European Treaties bearing on the History of the United States and its Dependencies

EDITED BY
FRANCES GARDINER DAVENPORT

VOLUME II
1650—1697

WASHINGTON, D. C.
PUBLISHED BY CARNEGIE INSTITUTION OF WASHINGTON
1929

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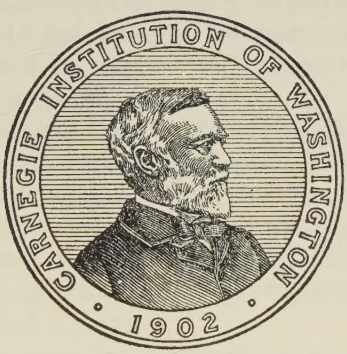

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CARNEGIE INSTITUTION OF WASHINGTON
PUBLICATION NO. 254, VOL. II

PAPERS OF THE DEPARTMENT OF HISTORICAL RESEARCH
J. FRANKLIN JAMESON, EDITOR

27497

The Lord Baltimore Press
BALTIMORE, MD., U. S. A.

PREFACE.

The first volume of Miss Davenport's *Treaties,* extending to the year 1648 and the treaty of Münster, was published in 1917. From that time till a fortnight before her lamented and untimely death on November 11, 1927, she was constantly occupied, in London, in the American Cambridge, and in Washington, in the continuance of her editorial work to later dates. In spite of failing health, she succeeded in carrying it through the nexus of treaties that culminated, in the year 1713, in the treaties of Utrecht. The manuscript which she left is the equivalent of two volumes of print, of which the first is here presented. It embraces the European treaties bearing on the history of the United States and its dependencies, of dates from 1650 to 1697, ending with the familiar landmark of the treaty of Ryswyk.

The plan of the volume is the same as that which was followed in the case of its predecessor—to present, in the case of each treaty, a careful introduction explaining fully its position in the complicated diplomatic history of Europe and especially its relation to the history of colonial America; bibliographical notes as to manuscript sources of text, previous prints, printed translations, and sources of information; the text of the treaty as ratified (and including the ratifications), derived in almost all cases from photographs or from personal collation of originals, and a translation of the treaty unless its text is in French —for it is hardly supposed that anyone who can not read French will engage in the study of European diplomatic history.

Thanks should be given, on Miss Davenport's behalf, to the authorities of the library of the British Museum, of the London Public Record Office, of the Library of Congress, and of that of Harvard University, for the facilities afforded to her work; and to the archivists of the Rijksarchief in the Hague, the Geheimes Staatsarchiv in Berlin, the Archivo Histórico Nacional in Madrid, and the Torre do Tombo in Lisbon, for photostats received since the cessation of her work and used in its revision.

The reader should remember that, during the period embraced in this volume, Catholic countries and the province of Holland followed the Gregorian or new style of chronology, while Protestant countries, with the exception of the province of Holland, made use of the Julian or old style.

Miss Davenport spared no pains to secure complete accuracy of text and translation, and full knowledge of whatever had been printed, in any of the languages of Western Europe, on any of the negotiations with which she was concerned or the diplomatic manoeuvres which formed their background. It proved to be impossible for her, in her latter days, to prepare the introduction which she had intended to prefix to the volume, giving a general survey of the course of European diplomacy respecting America during the second half of the seventeenth century. Neither was she able, during those later weeks, to go

back, from 1713, over the ground covered by the present volume, most of which was completed some years ago, and pick up suggestions for small amendments and modifications from monographs or articles more recently published.

The unfaltering courage, however, with which Miss Davenport continued her work, in all simplicity and as a matter of course, to the last day on which continuance was possible, her gallant and steadfast devotion to the high standards of scholarship which had marked her whole studious life, and her quiet acceptance of impending fate made association with her last days a deeply impressive experience to those who, in some cases for twenty-three years, had been her colleagues in the work of this department. They will cherish the memory of unostentatious learning, of conscientious devotion to duty, of transparent integrity of mind and character, of unselfish friendliness, and, at the last, of undaunted fortitude.

J. Franklin Jameson.

Washington, May 15, 1928.

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41.

Articles of agreement between the delegates of the Commissioners of the United Colonies of New England and the delegates of the Director-General of New Netherland, concluded at Hartford, September 19, 1650, O. S.

Introduction.

In 1632 the detention by the English of a Dutch ship returning from New Netherland gave occasion to both governments to assert explicitly their conflicting claims to the region situated between Plymouth and Virginia.[1] Immediately thereafter the colonists of both nations pressed forward to occupy that portion of the disputed territory lying along the Connecticut River. The Dutch, the discoverers and for a long time the sole traders in these parts, sought to strengthen their claim by purchasing from the Indians the lands near the river and erecting a fort there. A few months later the English also built a house on the river, and began to settle the country.[2] In vain did the Dutch protest against this intrusion. The westward trend of the English settlements harmonized with the advice given in 1642 by Sir William Boswell, minister at the Hague, "to crowd on, crowding the Dutch out of those places which they have occupied".[3] Perceiving the English policy, the board of accounts of the Dutch West India Company urged the necessity of encouraging immigration to New Netherland, of promoting the cultivation of the soil, and of coming to an agreement with the English respecting a boundary.[4] Already indeed the New Englanders had proposed to refer their differences with their Dutch neighbors to disinterested arbitrators.[5] In 1646 Governor Eaton of New Haven again proposed an adjudication of pending disputes either in England or America, and the English diplomatic agent at the Hague asked for a settlement.[6] Unfortunately for themselves the Dutch West India Company postponed action until there ceased to be any recognized authority in England, where the king, Charles I., was a prisoner. Remarking upon their error, the Company wrote to Stuyvesant advising him, since the English colonists were far stronger than the Dutch, to avoid any contention with them; and to "fix upon a provisional

[1] *Cf.* Doc. **33**, introduction, in the preceding volume, *European Treaties*, I. 292.

[2] Governor Winslow of Plymouth, who went to the Connecticut River in 1632 and "had a place given", claimed that "the Dutch came in by way of prevention". W. Bradford, *History of Plymouth Plantation* (ed. Mass. Hist. Soc.), II. 167, note 2.

[3] J. H. Trumbull, *Public Records of the Colony of Connecticut* (1850), app. no. 1, p. 565.

[4] J. R. Brodhead, *Documents relative to the Colonial History of the State of New York* (1853, etc.), I. 106, 152, 153.

[5] See the proposals of Rev. Hugh Peters to the West India Company, in Brodhead, *op. cit.*, I. 567-568.

[6] *Records of the Colony of New Plymouth*, IX., *Acts of the Commissioners of the United Colonies*, I. 63; Fernow, *Documents . . . Long Island*, p. 85.

boundary, to be approved of by each principal ".[7] In pursuance of these instructions, in September, 1650, Stuyvesant went in person to Hartford, where the commissioners of the United Colonies were then in session, to " treat with them respecting the usurpation " of the English in the Connecticut valley; the settlement of a boundary; the detention of fugitives by the New Haven authorities; the repeal of an act passed by the commissioners in the preceding year, prohibiting subjects of the Dutch government from trading with the Indians within English jurisdiction, and some minor grievances.

During the conferences the English commissioners complained of various injuries received from the Dutch, especially of Kieft's expulsion of some New Haven colonists from the Delaware region, and of Stuyvesant's seizure of a Dutchman's ship in New Haven harbor. They based their own title to the Connecticut region on " purchase, patent, and possession ". Stuyvesant, on the other hand, offered to produce evidence of the purchase of the land by the Dutch, whose title embraced all the territory between Cape Henlopen and Cape Cod. He suggested that each party appoint two impartial persons to make an award, the English to choose representatives from Massachusetts and Plymouth. In accordance with this proposal the commissioners gave full power to treat and conclude to Simon Bradstreet and Thomas Prence, while Stuyvesant empowered, for the like purpose, George Baxter, his English secretary, and Thomas Willet, a Plymouth merchant who traded with New Amsterdam.[8]

The award of these arbitrators left both parties " in state quo prius to plead . . . theire just interests " in respect to trade and settlement in the Delaware region; declared that New Haven should accept Stuyvesant's explanation of his seizure of a Dutchman's ship in the harbor of New Haven; and fixed the boundary line between the United Colonies and New Netherland, until a final determination should be agreed on in Europe. On the mainland the Dutch were not to build within six miles of the line, and, for the time being, were to retain jurisdiction over Greenwich and the lands of which they were actually possessed at Hartford. Provision was also made respecting the return of fugitives from one nation to the other, and respecting a closer alliance. The outcome of Stuyvesant's negotiations was highly displeasing to the New Netherlanders. They complained that he had treated without the concurrence of other officials of the colony; had failed to report to his council; had surrendered enough land to form fifty colonies and had appointed as arbitrators Englishmen who were friends of the English.[9]

The directors of the West India Company, on the other hand, wrote Stuyvesant that they had " no objections to the provisional agreement . . . about the boundaries " and that envoys who had recently gone from the Hague to London had " been instructed to come to an agreement about it with the government there, if possible ".[10] At the date of this letter, April, 1652, the two mother

[7] Fernow, *op. cit.*, pp. 85, 105, 122, 124, 126.

[8] *Records of the Colony of New Plymouth*, IX. 171-188. An article by C. W. Parsons, on " Thomas Willett, the First Mayor of New York City ", is in the *Magazine of American History*, XVII. (1887) 233-242.

[9] Brodhead, *op. cit.*, I. 442, 443, 451, 456.

[10] Fernow, *op. cit.*, p. 172.

countries were on far from cordial terms, and they soon entered into war. It was not till February 22, 1656, nearly two years after peace was restored, that the States General ratified the treaty of Hartford, or rather its provisions respecting boundaries, fugitives, and union.[11] The English government having failed to ratify it, the Dutch embassy sent to England in 1660 again tried in vain to arrange for a settlement of the boundaries in America.[12] Commissioners despatched by Stuyvesant to Hartford in 1663 on the same errand found new and insuperable difficulties. The committee appointed to treat with them took the ground that the royal charter granted to Connecticut in 1662 fixed the limits; that the provisional settlement of 1650 was a nullity; that "they knew of no New Netherland", and could not be hindered from taking possession of land not actually occupied by the Dutch; and that Long Island was included in their patent.

BIBLIOGRAPHY.

Text: MS. Ratification of an extract of the treaty is in the Acte-Book of the States General, in the Rijksarchief at the Hague, f. 339. Manuscript volumes of the Acts of the Commissioners of the United Colonies of New England, containing the English text printed below, are in the state archives at Boston and at Hartford.

Text: Printed. *Records of the Colony of New Plymouth in New England* (ed. N. B. Shurtleff and D. Pulsifer, 1855-1861), IX. *Acts of the Commissioners of the United Colonies of New England,* I. 188-190; X. *Acts,* etc., II. 18-21, 465; E. Hazard, *Historical Collections* (1792-1794), II. 170-173, 218-220; E. B. O'Callaghan, *History of New Netherland* (second ed., 1855), II. 151-155. Incomplete text in B. Trumbull, *A Complete History of Connecticut* (1818), I. 191-193.

Translations: Translations of the ratification by the States General of the boundary line appear in: Hazard, *op. cit.,* II. 549-551; J. R. Brodhead, *Documents relative to the Colonial History of the State of New York* (1853-1883), I. 611, 612.

References: Contemporary and early writings. *Records of the Colony of New Plymouth (ed. cit.), IX. Acts of the Commissioners,* I. 61-65, 76-79, 107, 108, 112-115, 140, 141, 146-149, 171-190, 209-215; X. *Acts,* II. 13-22, 54, 55, 60, 62, 72, 73, 174, 175, 221, 299-302, 444-446; J. R. Brodhead, *op. cit.,* I. 126-131, 137, 152, 153, 161, 260, 261, 268, 269, 283 ff., 295, 312, 318, 359, 442-444, 451, 456-461, 464, 471, 472, 474, 496, 497, 539 ff., 610, III. 18, 19; B. Fernow, *Documents relating to the History of the Early Colonial Settlements principally on Long Island* (1883) in *Documents relating to the Colonial History of the State of New York,* XIV. 40, 41, 85, 105, 106, 108, 122, 124, 126, 133, *et passim*; C. J. Hoadly, *Records of the Colony and Plantation of New Haven from 1638 to 1649* (1857), pp. 507-536.

References: Later writings. F. B. Dexter, "Early Relations between New Netherland and New England", in *Papers of the New Haven Colony Historical Society,* III. (1882) 443-469; J. R. Brodhead, *History of the State of New York* (1853, 1871), I. 362, 363, 429-431, 478-481, 496-501,

[11] Brodhead, *op. cit.,* I. 611, 612.
[12] See below, Doc. **53,** introduction.

518-521, 527 ff., 539; E. B. O'Callaghan, *op. cit.*, vol. I., p. 375 ff., vol. II., chs. II., VI., IX.; B. Trumbull, *op. cit.*, I. 189-193, 196, 197, 202, 228, 229 258, 259, *et passim.*

TEXT.[13]

Articles of agreement made and concluded at Hartford upon Conecticott September 19th, 1650, betwixt the deligates of the honered comissioners of the United English collonies and the deligates of Peeter Stuijvesant, governor generall of New Netherland.

1. Upon serius consideracon of the differences and greivances propounded by the two English colonies of Conecticot and New haven and the answare made by the honered Duch governor Peeter Stuijvesant Esqr., according to the trust and power comitted unto us as arbetrators or deligatts betwixt the said parties; wee find that most of the offences or greivances were things done in the time and by the order and comaund of Monsr. William Keift, the former governor, and that the present honered gover[nor] is not duly prepared to make answare to them. Wee therfore think meete to respet the full consideration and judgment conserning them tell the present governor may aquaint the H. M. States and Westindia Companie with the perticulars that soe due reparacon may accordingly bee made.

2. The comissioners for New Haven complained of severall high and hostile injuries which they, and others of that jurisdicon have receved from and by order of the aforsaid Monsr. Keift in Delaware bay and river, and in theire returne thence as by theire former propositions and complaints may more fully appeere;[14] and besids the English right claimed by pattent, presented and shewed severall purchases they have made on both sids the river and bay of Delaware of severall large tracts of land unto and somwhat above the Duch house or Fort there with the consideracon given to the said sachems and theire companies for the same acknowlidged and cleared by the hands of the Indians whom they affeirme were the true propriators, testifyed by many wittnesses; they allso affeirmed that according to theire apprehensions they have sustained 1000 l. damage, partly by the Swedish governor but cheifly by order from Monsr. Keift, and therfore required due satisfaction and a peacable possession of the aforsaid lands to injoy and improve according to theire just right. The Duch gover[nor] by way of answare affeirmed and asserted the right and title to Delaware on the South river, as they call it, and to the lands there as belonging to the H. M. States Westindia Companie, and professed hee must protest against any other claime; but is not provided to make any such profer as in such a treaty might bee expected; nor had hee comission to treat or conclude any thinge therin, upon consideracon whereof wee, the said arbitrators or deligates, wanting sufficient light to issue and determine any thinge in the premises, are nessesitated to leave both parties in state quo prius to plead and improve theire just enterests at Delaware for planting or trading as they shall see cause; onely wee desire that all proseedings there as in other places may bee carried on in

[13] The text is taken from the printed *Acts of the Commissioners of the United Colonies of New England,* in *Records of the Colony of New Plymouth,* IX. 188-190.

[14] In the spring of 1641 some merchants of New Haven sent agents to buy lands from the Indians on the Delaware River, where the Swedes and Dutch were establishing themselves. The agents purchased two large tracts from the Indians, one at Varkens Kill, east of the river, and the other at Schuylkill, west of the river. In the following year, in accordance with orders from the authorities at New Amsterdam, the Dutch commissary at Fort Nassau burned the houses erected at Schuylkill, and carried the English settlers back to New Amsterdam. A. Johnson, *Swedish Settlements on the Delaware* (1911), I. 208 ff.

love and peace tell the right may bee further considered and justly issued either in Europe or heere by the two states of England and Holland.

3. Conserning the seyzing of Mr. Westerhouse [15] shipp and goods about 3 yeares sence in New Haven harbor upon a claime to the place; the honered gover[nor] Peeter Stuijvesant Esqr., professing that which pased in writing that way was through the error of his secretary, his intent not beeing to lay any claime to the place, and withall affeirming that hee had order to seize any Duch shipp or vessell in any of the English collonies or harbors which should trade there without exprese lycence or comission; wee therefore thinke it meet that the comissioners of Newhaven accept and acquiesse in this answare.

Conserning the bounds and lymitts betwixt the English United Collonies and the Duch Provence of New Netherland wee agree and determine as followeth:

1. That upon Long Iland a lyne runne from the westermost part of the Oyster Bay soe and in a straight and directe lyne to the sea shalbee the bounds betwixt the English and Duch there, the easterly part to belong to the English, the westermost part to the Duch.[16]

2. The bounds upon the mayne to begine at the west side of Greenwidge Bay, being about 4 miles from Stanford, and soe to runne a northerley lyne twenty miles up into the cuntry, and after as it shalbee agreed by the two goverments of the Duch and of Newhaven, provided the said lyne com not within 10 miles of Hudsons river.

And it is agreed that the Duch shall not at any time heerafter build any house or habitacon within six miles of the said lyne, the inhabitants of Greenwidge to remayne tell further consideracon therof bee had under the goverment of the Duch.[17]

[3.] That the Duch shall hold and enjoy all the lands in Hartford that they are actually possessed of, knowne or sett out by sertayne marks and bounds,

[15] Mr. Westerhuysen was a Dutch merchant, resident at New Haven.

[16] Before and after the treaty the ownership of Oyster Bay remained in dispute. By reason of purchase from the Indians, the Dutch claimed Long Island as far as this bay. In 1635 the Council for New England granted Long Island to William Lord Alexander, son of the Earl of Stirling (*Calendar of State Papers, Colonial,* 1574-1660, p. 204). Four years later Alexander's agents granted permission to one Matthew Sinderland to buy land in Oyster Bay. In 1659 Stuyvesant wrote that with regard to the boundaries established by the treaty of Hartford "The question . . . is only about the location of Oyster Bay; the oldest inhabitants of New Netherland place it at 2½ leagues further east than the oldest residents of New England" (Fernow, *Documents,* p. 440). The boundary lines of the treaty of Hartford correspond roughly with the delimitation of the counties of Nassau (formerly part of Queens) and Suffolk, on Long Island, and of Connecticut and New York at the Sound. On the later boundary disputes between Connecticut and New York, see *Report of the Regents of the University on the Boundaries of the State of New York, passim,* and S. E. Baldwin, "The Boundary Line between Connecticut and New York", in *Papers* of the New Haven Colony Hist. Soc., III. (1882) 271-291.

[17] The first settlers at Greenwich had come in 1640 as agents for the New Haven colony, but two years later they transferred their allegiance to the government of New Netherland. In 1653, when England and the United Netherlands were at war, the Commissioners for the United Colonies complained that, although at the time of the conclusion of the treaty of Hartford Governor Stuyvesant had solemnly promised "that Greenwich should without delay be settled within New Haven jurisdiction", he showed a disposition to evade that promise. Stuyvesant replied that he had not meddled with Greenwich or placed magistrates therein, "but left them as neutrals . . . till such time as they shall be disposed of by their superiors in Europe, according to agreement" (*Plymouth Records,* X., *Acts,* II. 21, 22, 63; *cf.* also Brodhead, *op. cit.,* I. 450). In 1655, in consequence of complaints by the Stamford deputies, the Court at New Haven required them to submit to that jurisdiction, which they did in the following year (C. J. Hoadly, *Records of the Colony of New Haven,* 1858, pp. 144, 145, 216). Part of the present boundary line between Connecticut and New York coincides with the western boundary of Greenwich.

and all the remaynder of the said land on both sids Conecticott River to bee and remayne to the English there.[18]

And it is agreed that the aforsaid bounds and lymites both upon the iland and mayne shalbee observed and kept inviolate both by the English of the United Collonies and all the nacion without any incroachment or molestacon untell a full and finall determinacon bee agreed upon in Europe by the mutuall consent of the two states of England and Holland.

Conserning fugitives.

It is agreed that the same way and course shalbee observed betwixt the English of the United Collonies and the Duch within the provence of New Netherlands as according to the 8th article[19] of confederacon betwixt the English collonies as in that case provided.

Conserning the proposition of a nearer union of friendshipp and amity betwixt the English and Duch nacon in these parts, especially against a common enimie, wee judg worty of due and serius consideracon by the severall jurisdictions of the United Collonies and accordingly desire it may bee comended to them that soe a resolucon may bee had therin at the next yearly meeting of the comissioners.

And in testimony of our joynt consent to the severall forgoeing conclusions wee have hereunto sett our hands this 19th day of September, anno Dom[in]i, 1650.

Symon Bradstreet.
Tho: Prence.
Tho: Willet.
Gorg Baxter.

[18] During the Anglo-Dutch war the Dutch fort and lands at Hartford were seized by Captain Underhill, commander-in-chief of the land forces of the colony of Providence Plantations for the war against the Dutch. In April, 1654, the General Court at Hartford sequestered and reserved the fort and lands in behalf of the Commonwealth of England. Subsequently, however, they were sold by Underhill (Trumbull, *Records of the Colony of Connecticut,* 1850, pp. 254, 275).

[19] This article provided for the delivery to their pursuers of fugitive servants or prisoners who had escaped to another colony. The English of New Haven had complained that the authorities of New Amsterdam had published a placard offering freedom and protection to those liable to civil or criminal prosecution in New England. The Dutch West India Company replied that the New England colony had protected the company's runaway servants and freemen (Brodhead, *op. cit.,* I. 312, 335, 339, 342).

42.

Treaty between the United Netherlands and Great Britain, concluded at Westminster, April 5/15, 1654. [Ratified by the States General of the United Netherlands on April 11/22, 1654, and by Cromwell on April 19/29, 1654.]

Introduction.

The negotiation leading to the treaty of Westminster was preceded by two ineffectual negotiations for a treaty, conducted respectively at the Hague in the spring and early summer of 1651, and at London from the end of December, 1651, to the latter part of June, 1652.

The negotiations at the Hague in 1651 marked a renewal of diplomatic relations between England and the United Provinces, consequent upon the death of the Prince of Orange and the shifting of political ascendancy from the Orange to the Holland party. The English negotiators, St. John and Strickland, besides seeking assurances that the Dutch would not harbor or aid enemies of the English Parliament, tried to conclude the closest possible alliance, if feasible a political union, a coalition of interests, on the ground that these were common in respect to religion, political liberty, and commerce.[1] The Dutch, withholding assent to an "intrinsical union", the precise nature of which was obscure, put forward a *projet* of 36 articles, chiefly with a view to gaining recognition for certain principles that should govern commerce and navigation. These were that the sea should be free to all for navigation and fishing (in opposition to the British claim of sovereignty over the "British Seas"); that contraband goods should be limited to instruments of war (not money or food); that goods, not contraband, on neutral ships, should be free from capture; that letters of reprisal should not be granted; and that Dutch merchants should have the same privileges as English in the English dominions, including those in America.[2] These proposals were embodied in 36 articles,[3] dated June 14/24, 1651, which included several relating to America, as follows:

11. The inhabitants and subjects of the said republic of England and of the States General of the United Netherlands may also freely and without hindrance sail and trade to the Caribbean Islands and places in Virginia, as hitherto they have sailed and traded thither, without distinction whether those islands or places were first occupied or possessed, or shall be hereafter oc-

[1] Aitzema, *Saken van Staet*, III. 657.
[2] Thurloe, "A Review of the Severall Negotiations", *English Historical Review*, XXI. (1906) 320-322.
[3] Aitzema, *op. cit.*, III. 694-698; in English, in P. R. O., St. Pap. For., Treaty Papers, no. 46; also in abstract in Hist. MSS. Comm., *Portland MSS.*, I. 604-607.

cupied or possessed by the inhabitants and subjects of the said republic, or of the United Netherlands, notwithstanding any prohibition to the contrary made or published by either of them against it.

12. And likewise in order to keep all good friendship, peace, and neighborhood between the two said nations on the mainland in North America, a just, firm, and infrangible distinction of bounds shall as soon as possible be there taken in hand and effected.

32. It is further bespoke, that the subjects and inhabitants of either side may not transport or carry any Portuguese goods, wares, or merchandise out of America, Asia, or Africa, or out of or into Europe, or from one part thereof to another, nor vice versa from Europe to America, Asia, or Africa, nor from one part of them to another, upon penalty of loss of the same ships.

The eleventh article expressed the demands of Dutch merchants,[4] who, having acquired some control of the most important branches of the English colonial trade,[5] during the period of English imperial decentralization, coincident with the Civil War, found their commerce with the English colonies threatened by the "Act for prohibiting trade with the Barbadoes, Virginia, Bermuda, and Antigua", passed by Parliament on October 3, 1650.[6] Avowedly to prevent enemies of the English Parliament from being transported to the rebellious colonies, the act prohibited "all ships of any foreign nation whatsoever to come to, or trade in, or traffic with any of the English plantations in America, or any islands, ports, or places thereof, which are planted by, and in possession of, the people of this commonwealth, without license first had and obtained from the Parliament or Council of State". Dissatisfied with the 36 articles, the English ambassadors, whose time-limit had almost expired, returned home without having reached an agreement.

Shortly after the close of these negotiations, the Dutch government decided to send ambassadors to England to continue negotiations on the basis of the 36 articles. They did not arrive until the close of the year 1651, and meanwhile Dutch grievances had become increasingly serious. Angry at the treatment accorded him at the Hague, St. John, it is said,[7] had brought about, on October 9/19, 1651, the enactment of the "Act of Navigation",[8] which was calculated to ruin Dutch commerce. This act provided that products of Asia, Africa, or America might be imported into England, her colonies or dependencies, only in English (including colonial) ships of which the master and a majority of the crew were English; that European products might be imported thither only in ships pertaining to England or her colonies or to the countries where the goods were produced; that foreign goods should be shipped only from the places of their production, or from their usual port of first shipment, except in the case of the colonial products of Spain and Portugal, which might be brought from the ports of their respective mother countries.

[4] See the "Petition of certain Dutch merchants to the States General", in Brodhead, *Docs. Col. Hist. N. Y.*, I. 436, and in Aitzema, *op. cit.*, III. 659.

[5] G. L. Beer, *Origins of the British Colonial System, 1578-1660* (1908), p. 356.

[6] C. H. Firth and R. S. Rait, *Acts and Ordinances of the Interregnum, 1642-1660* (1911), I. 425, 429.

[7] Aitzema, *op. cit.*, III. 667.

[8] The text is in Firth and Rait, *op. cit.*, II. 559-562.

The Dutch ambassadors, Cats, Schaep, and Van de Perre, were instructed before all else to propose the suspension of this act until the end of their conferences;[9] but at their first audience the Council of State declared the Navigation Act irrevocable.[10] The English commissioners on the other hand, on March 15/25, 1652, presented demands for reparation of injuries sustained from the Dutch in Greenland, the East Indies, and Brazil, stated that "the English should have the right of trading with all parts of the East and West Indies not belonging to the Dutch, in accordance with the right common to all peoples";[11] and answered the eleventh and twelfth of the 36 articles as follows:

11. For answer to the eleventh we say, That the people of the Commonwealth of England having been always strictly forbidden Trade in all Plantations and places belonging to the people of the United Provinces that are not within the Netherlands; We shall acquiesce therein and shall therefore forbear to sail or trade with any of their plantations abroad; and shall not interrupt or disturb them in their sailing to them. And as for their trading to any of the English plantations it is forbidden by the late act for encrease of the navigation of this nation, from which we think fit not to recede.

[12.] To the 12th we say that the English were the first planters of the northern firm land of America, and have plantations there from the southernmost part of Virginia in 37 deg. N. lat., to Newfoundland in 52 deg.; and not knowing of any plantation of the Netherlanders there save a small number up Hudson's River, we thinke it not necessary at present to settle the limits, which may be done hereafter in convenient tyme.[12]

In May the States General instructed their ambassadors to use all imaginable arguments to obtain the eleventh article or else to postpone the matter until an agreement could be reached respecting commerce outside Europe. The settlement of the boundary of New Netherland was to be postponed until a more favorable opportunity.[13]

Meanwhile feeling between the two countries grew more and more bitter, especially on account of English interference with neutral Dutch shipping under pretext of letters of reprisal granted against the French, with whom England was engaged in an "informal maritime war".[14] When the Dutch government, in answer to their merchants' appeal for protection added 150 ships to the Dutch fleet, England became alarmed. A misunderstanding over the striking of the flag, claimed by the English from Dutch ships, led to a naval engagement on May 12/22, 1652, and to the interruption of negotiations. Dutch overtures were met by demands on the part of England (presented June 25/July 5) for reimbursement of charges, and security that the two states should form a firm alliance and identify their interests.[15]

Since it was impossible to come to an agreement, the Dutch ambassadors returned home and the war continued.

[9] Aitzema, *op. cit.*, III. 698.
[10] Gardiner, *Commonwealth*, II. 107.
[11] Geddes, *De Witt*, I. 199, 200.
[12] Brodhead, *op. cit.*, I. 486, 487.
[13] *Ibid.*, p. 475; Aitzema, *op. cit.*, III. 708, 709.
[14] S. R. Gardiner, *Letters and Papers relating to the First Dutch War*, I. 49 ff (*Publications* of the Navy Records Society, vol. XIII., 1899).
[15] Aitzema, *op. cit.*, III. 718, 719; Geddes, *op. cit.*, I. 222.

The States General of the United Netherlands and the directors of the Dutch West India Company dreaded the extension of the war to North America. In accordance with instructions Stuyvesant tried to maintain friendly relations and commerce with the New England colonies and Virginia, at the same time putting New Amsterdam into a better state of defense.[16] His friendly overtures to the magistrates of the English colonies were coolly received. The English government enjoined,[17] and some of the New England colonies desired, war upon the Dutch. Aware of the vastly superior strength of New England, eager to expand their territory, and avowedly apprehensive of attack, New Haven and Connecticut sought to persuade the United Colonies to begin hostilities. Their design for confederate action was blocked for a time by Massachusetts, which regarded as inconclusive their reasons for an offensive war. In the spring of 1654, however, Connecticut seized the Dutch fort at Hartford, and Cromwell sent four ships under command of Major Robert Sedgwick and Captain John Leverett to co-operate with the New Englanders against Manhattan and the other Dutch settlements. When the expedition was almost ready to sail from Boston harbor, at the end of June, 1654, news arrived of the signing of the treaty of peace between the English and the Dutch, and the project had to be abandoned.[18]

Cromwell, as the champion of Protestantism averse to war with the Dutch, and De Witt, the leading statesman of a nation exhausted by the war, both desired peace.

About the end of June, 1653, peace negotiations began in London. The Dutch ambassadors, Van Beverningh and Nieupoort for Holland, Van de Perre for Zeeland, and Jongestall for Friesland, again put forward the 36 articles; and at his first audience Van Beverningh demanded access to England's American colonies.[19] Once more the English insisted upon reparation and security. The security they sought was a union of the two states that, among other

[16] Brodhead, *op. cit.*, I. 487, 488; Fernow, *Docs. Col. Hist. N. Y.*, XIV. 179-242, *passim.* Full accounts of the Anglo-Dutch relations in North America at this period are given by J. R. Brodhead, *History of the State of New York*, vol. I., chs. XV.-XVII., and E. B. O'Callaghan, *History of New Netherland*, vol. II., bk. V., chs. I.-IV.

[17] *Cal. St. Pap. Col.*, 1574-1660, pp. 386, 387.

[18] *Records of the Colony of New Plymouth*, X., *Acts*, II. 43-57 *et passim*; *Records of Massachusetts*, III. 311-316; Thurloe, *State Papers*, I. 564, 565, 721, 722, II. 418-420, 425, 426, 583, 584; *Cal. St. Pap. Col.*, 1675-1676, Addenda, 1574-1674, p. 89.

[19] London P. R. O., St. Pap. For., Archives, no. 98, p. 15. Proposition of Lord Beverningk at first audience, 20/30 June, 1654: "And to the end that both nations may joyne and unite together more strictlye then ever; that the people reciprocally entreateinge each other with all kind of civilitye, there may be within all the jurisdictions of the one and the other within Europe, alsoe in the islands of Caribdie and Virginia, a free accesse in the lands, cittyes, roades, ports and havens of the one and the other, aswell for the ships of warre and those which shalbe provided with due commissions as for the merchants and their factors and servants with leave and libertye there to buy and sell to import and export all kind of merchandizes and victuals without any distinction, to travell, passe, and repasse thither with all manner of securitye and libertye as the natives, inhabitants of the countryes reciprocally, and may enjoy the same priveledges and exemptions, as well in regard of the tolls, customes, dutyes, and other like imposts and charges concerneing trade and navigation, as in regard of their dwellings in the countryes of the one or the other, buying goods and lands, and what may any wise depend thereupon."

consequences, would prevent commercial rivalry and hence the recurrence of war, and would render unnecessary the commercial provisions of the 36 articles. Cromwell held that while both nations should retain their own municipal laws, they should "be under one supreme power to consist of persons of both nations" and should "enjoy the like privileges and freedom in respect of habitations, possessions, trade, ports, fishing, and all other advantages whatsoever in each others countries as natives, without any difference or distinction".[20] In mid-August Nieupoort and Jongestall returned to the Hague for instructions on this radical proposal; and soon after the English brought forward terms to be substituted for the union in case that were rejected. These terms called for an alliance of the Protestant powers and France against the papal countries; the appointment of eight commissioners, one-half English and one-half Dutch, to reside in each state and determine differences between them; a joint fleet to secure the sea; liberty to the inhabitants of both countries to trade anywhere in Europe and Africa; the assigning of the Asiatic trade exclusively to the Dutch, whose East India Company was to pay a sum of money to the English Company; the assigning of the trade to North and South America, except Brazil, to England; the division of Brazil between the two nations; assistance to England from the Dutch, who with 25 warships should aid England to win such places in America as she might wish to occupy.[21] The two Dutch ambassadors would not assent to the rupture with Spain which the last of these interesting proposals required.[22]

In November Nieupoort and Jongestall returned with instructions to reject the proposed fusion, but to seek the closest alliance compatible with the maintenance of independent sovereignty. Later in the month the English presented a draft of a treaty.[23] Its 27 articles contained no reference to trade outside Europe;[24] but their intention to retain the Navigation Act appeared from the thirteenth and twentieth articles, printed below, which provided that subjects of the two countries might trade in each other's dominions in England, Scotland, and Ireland, and the United Provinces, respectively, *saving the laws and ordinances of either commonwealth.*

The Dutch wished to modify these two articles by adding phrases that would permit them (contrary to the Navigation Act) to ship goods without reference to the place of their production; and that would free them from the observance of laws that did not apply equally to both confederates.[25] They also proposed the following extension to the thirteenth article: "And that concerning the dominions and plantations in other parts out of Europe, the trade and commerce shall

[20] *Verbael,* p. 62.

[21] This proposal in its essence seems to have originated with Sir Cornelius Vermuyden. See Thurloe, *State Papers,* II. 125, 126, and Gardiner, *Commonwealth,* II. 351-352.

[22] *Verbael,* pp. 153, 154.

[23] *Ibid.,* pp. 198-214.

[24] Gardiner suggests that the English negotiators may have wished to keep in hand such a valuable asset as the Navigation Act, "to barter for the aid which they still hoped to receive from the Dutch in their projected attack upon Spanish America". *Commonwealth,* II. 353.

[25] *Verbael,* pp. 236, 238.

be settled and regulated between the two nations by commissioners of both parties chosen to that purpose as shall be fittest and most convenient." [26] In the midst of this debate on oversea commerce, the Dutchman who had it most at heart, Van de Perre, the representative of Zeeland and the Dutch West India Company, died.

The modifications of the articles proposed by the Dutch were not acceptable to the English, who, on the other hand, suggested three new articles, of which the last provided for the appointment of commissioners to regulate the East India trade, and adjust the wrong done by the Dutch to the English in the East and elsewhere.

This article did not please the ambassadors, who declared that rules should be prescribed not only for the East India trade but for *all* commerce outside Europe, and that *both* parties should be compensated for injuries received in the East and elsewhere.[27] To which the English answered that it was unreasonable for the Dutch to demand admission to England's colonies while excluding the English from their own.[28] Finally it was agreed not to mention in the article the regulation of oversea trade, and to make compensation for injuries reciprocal.[29]

The treaty seemed nearly finished when questions connected with the inclusion of the King of Denmark in the treaty, and the exclusion of the Prince of Orange from office, threatened to wreck it. In mid-January, 1654, the Dutch deputies departed for the Netherlands, but returned in the course of a few weeks. On March 24 Cromwell empowered six members of his Council to conclude the treaty. For the next few days they and the Dutch ambassadors adjusted unsettled points, making important changes in the third of the added articles, which formed article 30 of the final treaty.[30] On April 5/15 the treaty was signed, and within a fortnight ratified by both principals.

In accordance with the thirtieth article, the States General ordered the Dutch West India Company to bring its claims before the commissioners in London.[31] To their ambassadors, who continued at London negotiating for a marine treaty which should repeal the Navigation Act,[32] they sent instructions to urge the ratification of the Hartford agreement of 1650,[33] respecting the New Netherland boundary.[34] The ambassadors however were unable to secure either the desired treaty, or the ratification of the agreement.

[26] "Points wherein the Deputies from the States General differed from the English Commissioners. Presented in Council, 23 Dec., 1653." London P. R. O., St. Pap. For., Archives, no. 98, p. 67.
[27] *Verbael*, pp. 279, 284.
[28] *Ibid.*, p. 284.
[29] *Ibid.*, pp. 286-289.
[30] *Ibid.*, pp. 318-325; British Museum, Add. MSS. 17677, vol. V., f. 297.
[31] *Verbael*, p. 389.
[32] Thurloe, "Review of Negotiations", *English Historical Review*, XXI. (1906) 324; *Verbael*, p. 575.
[33] *Doc.* **41.**
[34] *Verbael*, p. 575; Brodhead, *Docs. Col. Hist. N. Y.*, I. 559, 569, 574; Fernow, *op. cit.*, pp. 316, 340 ff.

Bibliography.

Text: MS. The original manuscript of the protocol is preserved in the London Public Record Office, State Papers, Foreign, Treaties, no. 300.

Text: Printed. J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 74-79; *Verbael gehouden door de Heeren H. van Beverningk, W. Nieupoort, J. van de Perre, en A. P. Jongestal, als Gedeputeerden en Extraordinaris Ambassadeurs van de Heeren Staeten Generael der Vereenigde Nederlanden, aen de Republyck van Engelandt* (1725), pp. 357-367.

Translations: English. *A General Collection of Treatys* (1732), III. 67-86. **Dutch.** L. van Aitzema, *Saken van Staet en Oorlogh* (1669-1672), III. 918-925.

References: Contemporary and early writings. *Verbael gehouden,* as above; L. van Aitzema, *op. cit.* III. 803 ff., 813 ff., 837, 853 ff., 868 ff., 903 ff., *et passim*; John Thurloe, *Collection of the State Papers* (1742), I. and II., *passim*; R. Fruin, G. W. Kernkamp, *Brieven van Johan de Witt,* I. (1906) 91-257, in Historisch Genootschap te Utrecht, *Werken,* third ser., no. 18; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1856-1858), I. 475, 486, 487, 541 ff., 556 ff.; *Secrete Resolutien van de Edele Groot Mog. Heeren Staten van Holland en Westvriesland, genomen zedert den Aanvang der Bedieninge van den Heer Johan de Witt als Raadpensionaris van den zelven Lande* (1717), *passim*; J. Thurloe, "A Review of the Severall Negotiations which have been between England and the United Provinces of late Yeares", *Eng. Hist. Rev.,* XXI. (1906) 320-327; Historical Manuscripts Commission, *Thirteenth Report,* Appendix, pt. I., *Manuscripts of the Duke of Portland,* I. (1891) 557-654, *passim.*

References: Later writings. James Geddes, *History of the Administration of John de Witt,* I. (1879), bks. III.-V.; S. R. Gardiner, *History of the Commonwealth and Protectorate, 1649-1660* (1894-1901), I. 352 ff., II. 80 ff., 107 ff., 182 ff., 329 ff., 340-373; P. J. Blok, *History of the People of the Netherlands* (1898-1912), vol. IV., ch. VIII.; C. Firth, *Oliver Cromwell* (1900), ch. XVIII., XIX; J. P. Arend, O. van Rees, and W. G. Brill, *Algemeene Geschiedenis des Vaderlands* (1840, etc.), vol. IV., pt. II., pp. 337-339, 356-422; A. van Wicquefort, *Histoire des Provinces-Unies des Païs-Bas* (ed. 1861-1874), II. 209 ff., 229 ff.; L. von Ranke, *A History of England principally in the Seventeenth Century* (1875), III. 68, 69, 124-127; G. A. Lefèvre-Pontalis, *John de Witt, Grand Pensionary of Holland* (1885), vol. I., ch. III.; A. P. Newton, *Colonizing Activities of the English Puritans* (1914), pp. 319 ff.; G. L. Beer, "Cromwell's Policy in its Economic Aspects", *Political Science Quarterly,* XVI. (1901) 590-601; Sigismund von Bischoffshausen, *Die Politik des Protectors Oliver Cromwell in der Auffassung und Thätigkeit seines Ministers des Staatssecretärs John Thurloes* (1899), pp. 17-25, and appendix, *passim*; N. Japikse, *Johan de Witt* (1915), in H. Brugmans, *Nederlandsche Historische Bibliotheek,* IX. 44 ff., 65 ff.

Text.[35]

Articuli pacis, unionis et confoederationis perpetuo duraturae inter Serenissimum et Celsissimum Dominum Olivarium, Dominum Protectorem Reipublicae Angliae, Scotiae, et Hiberniae, etc. ab una, et Celsos Potentesque Dominos Ordines Generales Foederatarum Belgii Provinciarum ab altera parte conclusae.

[35] From the protocol in the P. R. O., St. Pap. For., no. 300.

[1.] Imprimis conventum, concordatum, et conclusum est, quod ab hoc die sit vera, firma, et inviolabilis pax, amicitia, sincerior, intimior, atque arctior affinitas, confoederatio, et unio inter Rempublicam Angliae atque Ordines Generales Foederatarum Belgii Provinciarum, terrasque, regiones, civitatesque, sub utriusque ditione sine distinctione locorum positas, earumque populum et incolas, cujuscunque demum gradus fuerint.

[2.] Item uti inposterum omnis inimicitia, hostilitas, discordia, et bellum inter dictas respublicas earumque populares et subditos cessabit, atque utraque pars omnibus laesionibus, direptionibus, depraedationibus, injuriisque per terram, mare, et aquas dulces, in omnibus suis terris, regionibus, dominiis, locis, et praefecturis quibuscunque deinceps abstinebit.

[3.] Item, quod omnes offensae, injuriae, sumptus, et damna quae pars una ab altera pertulit, post 18/28 mensis Maii anni 1652, delebuntur atque e memoria eradentur, eo modo quo neutra dictarum partium alteri negotium facesset ob aliquod istiusmodi damnum, offensam, injuriam, aut sumptus, sed omnis et cujuscunque eorum perfecta erit hunc in usque diem abolitio, atque omnes eo nomine lites actionesque cassae nullaeque erunt; exceptis iis depraedationibus, quae in Maribus Britannicis committentur post spatium duodecim dierum, atque intra Maria Brittannica et Promontorium Sancti Vincentis post spatium sex hebdomadum, et inde in Mari Mediterraneo et ad equatorem usque post spatium decem hebdomadum, atque ultra equatorem post spatium octimestre, a publicatione pacis numerandum, vel immediate post sufficientem notitiam pacis in dictis locis factam, atque omnes depraedationes damnorumque illationes quae ab alterutra parte post tempora praefinita vel notitiam antedictam factae ceu commissae fuerint, in rationum reddendarum tabulas referentur, quaeque ablata sunt restituentur, damnaque inde nascentia compensabuntur.

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[12.] Item, quod Respublica Angliae, populusque Anglicanus, omnesque ejus Reipublicae incolae, item praedictae Foederatae Provinciae earumque populus et incolae, cujuscunque ordinis et conditionis fuerint, ad sese mutuo rebus omnibus humaniter atque amice tractandum obligabuntur, uti terra vel aqua, alterutrius regiones, oppida, pagos, sive muro incincta ceu non incincta, sive munita ceu non munita, portus etiam, et universam partis utriusque ditionem in Europa, libere et secure adire possint, in iisque versari et commorari quamdiu voluerint, ibique sine ullo impedimento commeatum suis usibus, quantum necesse erit, coemere atque etiam negotiari et mercaturam facere, quocunque mercium genere ipsis videbitur, easque advehere suo arbitratu, aut exportare, dummodo quae statuta sunt portoria solvant, salvis etiam alterutrius pariter reipublicae legibus et statutis omnibus.[36] Ita tamen ut populus et incolae utriusque partis, commercium suum exercentes in alterutrius regionibus et ditionibus, non obligentur in posterum plus portorii, census, vectigalium, aut aliorum tributorum solvere, quam pro rata proportione, quam alii extranei solvunt, in iisdem locis mercaturam exercentes.

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[16.] Item, quod si acciderit ut quam diu foedus, amicitia, et societas haec duraverit ab ullo ex populo aut incolis alterutrius partis contra hoc foedus aut ullum ejus membrum mari, terra, aut aquis dulcibus quidquam fiat aút tentetur, amicitia haec, foedus, et societas inter has nationes non idcirco interrumpentur aut infringentur, verum integra nihilominus perstabunt, vimque suam plenariam obtinebunt. Tantummodo illi ipsi qui contra foedus praedictum com-

[36] Including of course the Navigation Act.

miserint singuli punientur, et nemo alius; justitiaque reddetur et satisfactio dabitur illis omnibus, quorum id interest, ab iis omnibus qui terra, mari, aut aliis aquis contra hoc foedus quidquam commiserint, ulla in parte Europae, aut ubivis locorum intra Fretum Gaditanum, sive in America, vel per Africae litora, ullisve in terris, insulis, aequoribus, aestuariis, sinubus, fluminibus ullisve in locis cis caput Bonae Spei intra anni spatium quam justitia postulabitur. In omnibus autem uti supradictum est ultra praedictum caput locis intra menses octodecim quam justitia praedicto modo poscetur. Quod si vero foederis ruptores non comparuerint, neque se judicandos submiserint, neque satisfactionem dederint intra hoc vel illud temporis spatium pro loci longinquitate modo constitutum praedicti illi utriusque partis hostes judicabuntur, eorumque bona, facultates, et quicunque reditus publicabuntur, plenaeque ac justae satisfactioni impendenda erunt earum injuriarum, quae ab ipsis illatae sunt ipsique praeterea cum in alterutrius partis potestate fuerint iis poenis obnoxii erunt, quas suo quisque crimine commeruerit.

[17.] Item quod populares Rei-publicae Angliae quique sub ejus ditione fuerint possint libere, tuto, ac secure in Foederati Belgii Provinciis et singulis suis ditionibus in Europa perque eas, terra vel aqua, ad ulla in iis loca vel ultra eas iter facere, perque ulla earum oppida, praesidia, munimenta transire quae ullis in locis Foederatarum Belgii Provinciarum, aut alibi in earum ditionibus in Europa sunt vel erunt mercaturam in omnibus illis locis facientes, eorumque negotiatores, institores, famulive armati sive inermes (armati autem non amplius quadraginta simul) tam sine bonis suis et mercimoniis quam cum iis quocunque ire voluerint; poterito item populus et incolae Foederatarum Belgii Provinciarum eadem libertate frui in omnibus Rei-publicae Angliae ditionibus in Europa, dummodo in hujus modi commercio et mercatura singuli alterutrius rei-publicae legibus et statutis utrinque pareant moremque gerant.

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[30.] Item, conventum est ut supra quod commissarii utrinque quatuor, tempore quo ratihabitiones extradendae sunt, nominabuntur, qui ad decimum octavum mensis Maii proximi stylo Anglico, hic Londini conveniant, qui eodem tempore instructi atque authoritate muniti erunt, quemadmodum hisce praesentibus instruuntur, et ea authoritate muniuntur, ut omnes eas injurias eaque damna examinent et definiant, quae anno millesimo sexcentesimo undecimo, et deinceps usque ad decimum octavum Maii, anno 1652, styli Anglici, tam in Indiis Orientalibus, quam in Groenlandia, Moscovia, Brasilia vel ubivis locorum, pars una ab altera se pertulisse causatur. Et quorum omnium particularia ante praescriptum diem decimum octavum Maii praedictis commissariis ita nominatis exhibebuntur; ea cum restrictione ut post praefatum diem nulla omnino nova admittantur. Si autem praefati commissarii de praedictis differentiis ita particulariter scripto exhibitis et expressis, non conveniant intra trium mensium spatium a praefato decimo octavo Maii die numerandum, quod eo casu praedictae differentiae submittentur, sicut et his praesentibus submittuntur, judicio et arbitrio cantonum Helvetiae Protestantium, qui instrumento eo, de quo simul cum hisce conventum est, requirentur, ut eo casu arbitrium illud assumant, et similes commissarios in eundem finem delegent, ita instructos, ut post expiratos illos tres menses intra sex proxime sequentes de iis judicium ferant, et quidquid ejusmodi commissarii, aut major eorum pars, intra praedictos sex menses determinaverint, utramque partem obligabit, et rite perficietur.

. . . . . .

In quorum omnium fidem et testimonium tam nos commissarii Celsitudinis suae Domini Protectoris quam legati extraordinarii Dominorum Ordinum Generalium Foederatarum Provinciarum, vi et vigore nostrarum respective

commissionum et procurationum, presentem tractatum manu propria subsignavimus et sigillis nostris manualibus munivimus. Actum Westmonasterii, quinto die Aprilis, anno millesimo, sexcentesimo quinquagesimo quarto.

He. Laurence, Praes.[37]	P. Lisle.[39]	H. Beverningk.
J. Lambert.	Gil. Pickering.	Wilm. Nieupoort.
E. Mountagu.[38]	Wal. Strickland.	All: P: Jongestall.[40]

Cum in tertio articulorum pacis, unionis, et confoederationis initae, stabilitae, et promulgatae inter Serenissimum Dominum, Dominum Protectorem Reipublicae Angliae, Scotiae, et Hiberniae, et Dominos Ordines Generales Unitarum Provinciarum conventum sit, quod omnes injuriae, sumptus, et damna, quae pars una ab altera pertulit post 18/28 mensis Maii, anno 1652, delebuntur atque e memoria eradentur, eo modo, quo neutra dictarum partium alteri negotium facesset ob aliquod istiusmodi damnum, injuriam, aut sumptus, sed omnis et cujuscunque eorum perfecta erit hunc in usque diem abolitio, omnesque eo nomine lites actionesque cassae nullaeque erunt, exceptis iis depraedationibus, quae in Maribus Britannicis comnittentur post spatium duodecim dierum, atque intra Maria Britannica et Promontorium Sancti Vincentis post spatium sex hebdomadum, et inde in Mari Mediterraneo et ad Æquatorem usque post spatium decem hebdomadum, atque ultra Æquatorem post spatium octimestre a publicatione pacis numerandum, vel immediate post sufficientem notitiam pacis in dictis locis factam; Et cum de praedictis verbis questiones nonnullae forsitan oriantur, quas litibus et disceptationibus ansam praebeant, praefatus Dominus Protector et praefati Ordines Generales, quo omnis controversia tollatur quae occasione alicujus in praedicto articulo contenti accidere poterit, unanimi consensu convenere et conclusere, atque his praesentibus declarant, omnibusque et singulis popularibus et subditis suis respective palam faciunt, quod immediate post tractatus pacis promulgationem, quae jam facta est, omnes hostilitatis actus ubicunque in omnibus locis, in dicto tertio articulo expressis, et ubique alibi, cessabunt, et quod omnes depraedationes, damna, et injuriae, quae ab una parte contra alteram facta seu commissa fuerint, post quartum diem Maii (stilo veteri) proximo sequuturum in quibusque locis quorum in praedicto articulo mentio facta est, vel alibi, tam citra, quam ultra Æquatorem in rationum reddendarum tabulas referentur, et quae ablata erunt post praedictum diem Maii, sine aliqua forma processus restituentur, nec non et damna inde nascentia compensabuntur. Et quo stipulatio haec et conventio magis innotescat, utraque pars eandem in jurisdictionibus et territoriis suis publicabit, et navibus suis bellicis aliisque, tam quae in portu quam quae super mari sunt, eandem observare firmiter mandabit. In cujus rei fidem et testimonium tam domini commissarii Celsitudinis suae, quam legati extraordinarii praedictorum Ordinum Uniti Belgii praesentes hasce manibus suis propriis subsignarunt. Actum 28 Aprilis, stilo Angli[co], anno 1654.

He. Lawrence, Praes.
Gil. Pickering.
E. Montagu.
Wal. Strickland.
H. van Beverningk.
Will. Nieupoort.
All. P. Jongestall.

[37] All of the English commissioners were members of the Protector's Council of State that first met in December, 1653. Gardiner, *op. cit.*, II. 298 ff.

[38] Afterwards earl of Sandwich.

[39] Philip Sidney, viscount Lisle, later earl of Leicester.

[40] The manuscript of the protocol in the Public Record Office, St. Pap. For., no. 300, ends here. What follows is from Thurloe, *State Papers*, II. 256-267.

TRANSLATION.

Articles of peace, union, and perpetual confederacy concluded between the Most Serene and Noble Oliver, lord protector of the Republic of England, Scotland, and Ireland, etc., on the one part, and the High and Mighty Lords, the States General of the United Provinces of the Netherlands, on the other part:

[1.] First, it has been agreed, accorded, and concluded, that from this day there shall be a true, firm, and unalterable peace, a more sincere friendship, and a more intimate and nearer alliance, confederacy, and union, than heretofore, between the Republic of England, and the States General of the United Provinces of the Netherlands, and the respective lands, countries, and cities under their obedience, and between their respective people and inhabitants, of whatever condition they may be.

[2.] Also, that in future, all enmity, hostility, discord, and war between the said republics and their peoples and subjects shall cease; and each party shall hereafter abstain from all offenses, spoils, depredations, and injuries, as well by land as sea and fresh waters, in all their lands, countries, dominions, places, and governments whatsoever.

[3.] Also, that all offenses, injuries, charges, and damages, that either party has sustained from the other since the 18/28 day of May, 1652, shall be blotted out and forgotten, in such manner as that neither of the said parties shall trouble the other on account of any such damage, offense, injury, or losses, but that there shall be a perfect abolition of all and every of them until this very day, and all suits and actions for the same shall be null and void, excepting such depredations as shall be committed in the British seas after the space of twelve days; and between the British seas and Cape St. Vincent after the space of six weeks; and thence in the Mediterranean and as far as the Line after the space of ten weeks; and beyond the Line after the space of eight months, to be reckoned from the publication of the peace; or immediately after sufficient notice of the peace has been given in the said places. All depredations and spoils done or committed by either party after the times or notice aforesaid shall be accounted for and restitution made of the same and of the damages springing therefrom.

. . . . . .

[12.] Also, that the Commonwealth of England and the English people and all the inhabitants of the Commonwealth, and the said United Provinces and the subjects and inhabitants thereof, of whatever quality and condition they be, shall be bound to treat each other on both sides with all love and friendship. That they may come by land or water into each other's lands, towns, or villages, walled or unwalled, fortified or unfortified, their havens and all the dominions of both parties in Europe, with freedom and security, and in them remain and continue as they please, and there without hindrance buy provisions for their necessary use, and may also trade and traffic in any kind of goods they please, and bring in and carry out the same, at their pleasure, provided they pay the customs that are settled, and saving all the laws and ordinances of either commonwealth respectively; but so that the people and inhabitants of both parties, practising their commerce in the countries and dominions of the other, shall not be obliged, henceforth, to pay higher customs, tax, toll, or other tribute than according to the proportion that other foreigners pay, trafficking in the same places.

. . . . . .

[16.] Also, that if it shall happen that during this confederation, amity, and alliance, anything shall be done or attempted, by any of the people or inhabitants of either party against this treaty or any part thereof, either by sea or land or fresh waters, this amity, confederation, and alliance, between these nations, shall not be interrupted or infringed on this account, but shall continue and remain in its full and whole force.

Only those particular persons who have offended against the aforesaid treaty shall be punished, and no other. And justice shall be done and satisfaction made to all persons concerned within the space of a year, after demand thereof made upon all such persons who shall have done anything against this treaty, by land, sea, or other waters in any part of Europe, or any place within the Straits of Gibraltar, or in America, or upon the coasts of Africa, or in any lands, islands, seas, creeks, bays, rivers, or any other places on this side of the Cape of Good Hope, and in all places, as aforesaid, beyond the aforesaid Cape, within eighteen months next after demand of justice shall, as aforesaid, be made. And in case that the violators of the treaty shall not appear and submit themselves to justice and make satisfaction, within the terms respectively appointed according to the remoteness of the place, the said persons shall be declared enemies to both parties, and their goods, property, and revenues shall be confiscated, and employed to a full and due satisfaction for the wrongs which have been done by them, and they themselves shall be liable to such further punishment, when they shall come within the power of either party, as the quality of their offense shall deserve.

[17.] Also, that the people of the Republic of England, and all under its government, may freely, unmolested, and securely, travel in and through the United Provinces of the Netherlands and its several dominions in Europe, by land or water, to any places in them or beyond them, and pass through any of their towns, garrisons, or forts, which are or shall be in any parts of the United Provinces of the Netherlands or elsewhere in their dominions in Europe, to follow their traffic in all those places, together with their agents, factors, or servants, armed or unarmed (but if armed, not more than 40 together), as well without as with their goods and merchandise, whither they please. Likewise, the people and inhabitants of the United Provinces of the Netherlands may enjoy the same liberty in all the dominions of the Republic of England in Europe, provided that they and either of them observe and conform in such trade and traffic to the laws and ordinances of each republic respectively.

. . . . . .

[30.] Also, it is agreed as above that four commissioners shall be named on both sides at the time when ratifications are to be exchanged, to meet here at London on the eighteenth of May next, English style. At this time they shall be instructed and authorized, as by these presents they are instructed and authorized, to examine and adjust the injuries and damages, which are alleged to have been done by one party to the other in the year 1611, and thereafter to the eighteenth of May, 1651, English style, both in the East Indies, and in Greenland, Muscovy, Brazil, or anywhere else. And the particulars of all those injuries and damages shall be exhibited to the said commissioners so named before the said eighteenth day of May, with the restriction that after the said day no new ones shall be admitted. But if the said commissioners shall not agree respecting the said differences thus particularly exhibited and expressed in writing, within the space of three months, to be reckoned from the said eighteenth day of May, in that case the said differences shall be submitted, as

by these presents they are submitted, to the judgment and arbitration of the Protestant cantons of Switzerland, who, by an instrument at this same time agreed on with them, shall be requested to assume that arbitration and to appoint similar commissioners for that purpose, so instructed that within the six months next following the expiration of the said three months, they shall give judgment: and whatever such commissioners, or the majority of them, shall determine within the said six months, shall bind both parties, and shall be duly performed.

In faith and testimony whereof, both we, the commissioners of his Highness the Lord Protector, and we, the ambassadors extraordinary of the Lords States General of the United Provinces, by virtue and on the strength of our respective commissions and powers, have signed the present treaty with our own hands, and sealed it with our seals manual. Done at Westminster on the fifth day of April, 1654.

HENRY LAWRENCE, president.
J. LAMBERT.
E. MONTAGU.
P. LISLE.
GILBERT PICKERING.
WALTER STRICKLAND.
H. BEVERNINGK.
WILLEM NIEUPOORT.
ALLARD PETER JONGESTALL.

Whereas in the third of those articles of the peace, union, and confederation, made, established, and promulgated between the Most Serene Lord, the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Lords the States General of the United Provinces, it is agreed that all injuries, charges, and damages that either party has sustained from the other since the 18/28 of May, 1652, shall be blotted out and forgotton, in such manner that neither of the said parties shall trouble the other on account of any such damage, offense, injury, or loss, but that all and every of them shall be completely abolished up to this very day, and all suits and actions for the same shall be null and void, excepting such depredations as shall be committed in the British seas after the space of twelve days, and between the British seas and Cape St. Vincent after the space of six weeks, and thence in the Mediterranean and as far as the Line after the space of ten weeks, and beyond the Line after the space of eight months to be reckoned from the proclamation of the peace, or immediately after sufficient notice of the peace has been given in the said places, And whereas some questions may perhaps arise about the said words which may give occasion for controversies and disputes, the said Lord Protector and the said States General, in order that all contention may be removed, that might arise by reason of anything contained in the said article, have unanimously agreed and concluded, and by these presents declare and make known to all and singular their people and subjects respectively, that immediately after the proclamation of the treaty of peace already made, all hostilities shall cease everywhere, in all places mentioned in the said third article, and in all others wheresoever, and that all depredations, damages, and injuries made or committed by one party against the other after the fourth of May next, old style, in any of the places mentioned in the said article, or elsewhere, as well on this side as beyond the Line, shall be accounted for; and spoils taken after the said day of May shall be restored without any form of process, and damages arising thence shall be compensated. And in order that this stipulation and agreement may be the more widely known, both parties shall publish the same in their jurisdictions and territories, and shall order as

well their ships of war as others, whether in port or at sea, to observe it firmly. In faith and testimony whereof, both the lords commissioners of his Highness and the ambassadors extraordinary of the said States General of the Netherlands have signed these presents with their own hands.

Done on April 28, English style, in the year 1654.

HENRY LAWRENCE, president.
GILBERT PICKERING.
E. MONTAGU.
WALTER STRICKLAND.
H. VAN BEVERNINGK.
WILLEM NIEUPORT.
ALLARD PETER JONGESTALL.

43.

Treaty of alliance and commerce between Great Britain and Sweden, concluded at Upsala, April 11/21, 1654. Ratified by Cromwell on July 31/August 10, 1654, by Queen Christina on May 9/19, 1654,[1] *and by Charles X. on August 5/15(?), 1654.*

INTRODUCTION.

A main inducement to the formation of the Anglo-Swedish alliance of 1654 was the desire on the part of these powers to offset the confederacy between Denmark and the United Netherlands, which Denmark, humiliated and isolated by the peace which she had concluded with Sweden at Brömsebro in 1645, had sought. A Danish-Dutch treaty of the year 1649[2] seemed inimical to England's interests in the Baltic trade; and even more disadvantageous to both powers was the Danish-Dutch treaty of 1653, whereby Denmark promised to close the Sound against all English vessels.[3] The Baltic, including the Swedish, trade was highly important to England, since it supplied her with materials for the building and rigging of ships;[4] and it is interesting to notice that she put forward the possibility of obtaining such supplies from her American colonies as an argument why Sweden should endeavor to maintain friendly relations with her.[5] Sweden made the first friendly advances, through agents despatched to London. In the summer of 1653 one of these agents, Israel Lagerfeldt, ostensibly sent to mediate between the English and Dutch, had proposed that the Swedes should enjoy free navigation and commerce not only in respect to the British Isles, but also in "the islands and ports subject and belonging to the Commonwealth of England in Virginia, New England, Guiney, and elsewhere". To this the Council of State replied that the trade and navigation of both nations should be free "except in the Barbadoes and such plantations, ports and places in America, belonging to the Commonwealth of England, whereunto trade and traffic is prohibited without special license, both sides observing the laws, customs and ordinances of each place respectively".[6] Thus the Navigation Act debarred Swedes as well as Dutch from the American trade.[7]

[1] Whitelocke "desired that the Queen would ratify all that should be done here before her resignation, and keep the ratification by her until the Protector should seal letters of ratification on his part". *Journal,* II. 167.

[2] Dumont, *Corps Diplomatique,* tom. VI., pt. I., pp. 535-539.

[3] Dumont, *op. cit.,* tom. VI., pt. II., pp. 40-46; Geddes, *History of the Administration of John de Witt* (1879), I. 275, 276.

[4] Geddes, *op. cit.,* I. 176, 177.

[5] Thurloe, *State Papers,* I. 227; and *cf.* Whitelocke, *Journal,* I. 412.

[6] Johnson, *Swedish Settlements,* II. 620, 621.

[7] *Cf.* Doc. **42,** introduction.

Later in 1653 Cromwell despatched Bulstrode Whitelocke as ambassador extraordinary to Sweden to form an alliance, treat of means "to open a free trade through the Sound", and settle other commercial matters.[8]

Reaching Upsala in December, Whitelocke promptly entered into negotiations with Queen Christina, with the old chancellor Axel Oxenstierna, and later with his son Eric, but for several weeks made little headway, partly because the Swedes wished to learn the outcome of the Anglo-Dutch peace negotiations before committing themselves.[9] Among other commercial matters the question of trade with America was discussed. When the queen inquired whether the American seas might not be named with the Baltic and others as to free navigation, and Eric Oxenstierna urged that permission to trade "omnibus in locis quibus hactenus commercium exercebatur" should include England's American colonies, Whitelocke maintained the position previously taken by the Council of State in respect to Lagerfeldt's above-mentioned request, and stated the principle "that the treaties of the Commonwealth were comprehended within the bounds of Europe".[10] Unable to assent to the opening of the American trade and other specific demands, he urged an agreement upon "general amity and commerce between the two nations", and the postponement of negotiations touching American commerce until an ambassador from Sweden might treat of it with Cromwell.[11]

The suggestion to defer the settlement of this and other specific matters was adopted, and embodied in the sixteenth article of the treaty. The question of the Guinea trade was also deferred. The articles were signed on April 28, 1654, but antedated April 11, "because then they were fully agreed".[12]

Bibliography.

Text: MS. The original manuscript of the ratification by Cromwell is in the Riksarkiv at Stockholm, Originaltraktater, England, no. 1. A copy of the ratification by the Queen of Sweden, May 9/19, 1654, is in P. R. O., St. Pap. For., Treaty Papers, no. 69.

Text: Printed. L. van Aitzema, *Saken van Staet en Oorlogh* (1669-1672), III. 1086-1088; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 80-82. The text should be included in C. Hallendorff, *Traités de la Suède: Sverges Traktater med Främmande Magter jemte andra dit hörande Handlingar* (Stockholm, Norstedt), of which the latest part issued (1915), of the series for the seventeenth century, comes down to 1648.

Translations: English. Lewis Hertslet, *A Complete Collection of the Treaties . . . between Great Britain and Foreign Powers, and of the Laws . . . concerning the same, so far as they relate to Commerce and Navigation* (1827-), II. 310-316; *A General Collection of Treatys* (1732), III. 89-97; Bulstrode Whitelocke, *A Journal of the Swedish Embassy in the Years 1653 and 1654* (ed. H. Reeve, 1855), II. 168-175, note. **Dutch.** Aitzema, *op. cit.*, III. 1088-1091.

[8] Whitelocke, *op. cit.*, I. 89-90 *et passim.*
[9] *Ibid.*, I. 443 *et passim.*
[10] Thurloe, *op. cit.*, II. 157, 172; Whitelocke, *op. cit.*, II. 21, 30, 31.
[11] Thurloe, *op. cit.*, II. 172, 173; Whitelocke, *op. cit.*, II. 31, 35, 50, 51.
[12] Whitelocke, *op. cit.*, II. 169.

References: Contemporary and early writings. B. Whitelocke, *op. cit.*; John Thurloe, *State Papers* (1742), II. 41-44, 82-84, 111, 112, 133-135, 155-158, 171-173, 202-204, 216-218, 231-233, 243, 244, 254, 255, 266, 267, 279-282, *et passim*; Sigismund von Bischoffshausen, *Die Politik des Protectors Oliver Cromwell,* appendix, pp. 146 ff. (letters from Thurloe to Whitelocke).

References: Later writings. Guernsey Jones, *The Diplomatic Relations between Cromwell and Charles X. Gustavus of Sweden* (Lincoln, Neb., 1897), pp. 14-17; S. R. Gardiner, *Commonwealth and Protectorate,* (1894-1901), II. 377-380; A. Johnson, *Swedish Settlements on the Delaware* (1911), II. 620, 621; L. von Ranke, *History of England* (1875), III. 119-128; S. von Bischoffshausen, *op. cit.,* pp. 27-29; A. Heimer, *Diplomatiska Förbindelserna mellan Sverige och England, 1633-1654* (Lund, 1893), pp. 111-155.

TEXT.[13]

Olivarius, Dominus Protector Reipublicae Angliae, Scotiae, et Hiberniae earumque ditionum, constare volumus universis et singulis quorum interest, aut quomodolibet interesse poterit; quod cum justo desiderio ac propensa voluntate moti simus, cum Serenissima Potentissimaque principe ac domina, Domina Christina, Dei gratia Suecorum, Gothorum, Vandalorumque regina, magna principe Finlandiae, duce Esthoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae, et Vandaliae, principe Rugiae, necnon domina Ingriae et Wismariae etc., regnoque Sueciae foedus arctioremque amicitiam contrahendi et ineundi, ideoque necessarium duximus ad Regiam Majestatem suam ablegare Dominum Bulstrodum Whitlock constabularium castri de Windsor, atque unum e custodibus magni sigilli Angliae, extraordinarium legatum nostrum, ut cum Regiae Majestatis suae plenipotentibus commissariis conveniret de stricta, firma, sincera, et mutua amicitia et confoederatione utrinque observanda. Illi igitur cunctis accurate deliberatis et discussis nomine utriusque partis foederis mutui leges sanciverunt ad hunc modum qui sequitur verbo tenus insertus videlicet:

[1.] Inter dictum Dominum Protectorem praedictamque rem publicam et Reginam regnumque Sueciae, atque universas et singulas utriusque ditiones, regna, regiones, provincias, insulas, terras, colonias,[14] urbes, oppida, populos, cives, incolas, et omnes omnino subditos et inhabitantes, bona in posterum, sincera, firma, atque perpetua sit maneatque pax, amicitia, benevolentia, et correspondentia adeo ut pars utraque amore et affectu integerrimo se invicem complectatur.

. . . . . .

[4.] Concessum inprimis liberumque sit utrique praedictorum confoederatorum et incolis ac subditis illorum terrestri vel maritimo et quocunque denique itinere in alterius confoederati regna, regiones, provincias, terras, insulas, urbes, villas, oppida murata vel non murata, munita vel immunita, portus, dominia et ditiones quascunque libere ac secure absque licentia vel salvo conductu generali aut speciali ingredi, ire atque inde redire, ibidem commorari,

[13] The text is taken from the original manuscript of the ratification by Cromwell, preserved in the Riksarkiv at Stockholm.

[14] Whitelocke, writing to Thurloe, Apr. 7, 1654, remarked, "I did a little stick upon the word 'colonias' in this article, lest it might tend to anything of commerce in America; but finding it only to relate to the amity, I passed it over". *Journal,* II. 102.

aut easdem transire et omnia interim victui usuique suo necessaria emere, atque pretio pro lubitu comparare, omnique benevolentia tractentur. Etiam sit fas utrique confoederatorum subditisque eorum, civibus ac incolis, mercari, mercaturam facere, et commercia exercere in omnibus locis quibus hactenus commercium exercebatur uspiam quibuscunque in rebus ac mercibus allubescit, easdemque importandi exportandique pro arbitrio cujusque copia dabitur, solutis tamen teloniis debitis, et observatis legibus ac ordinationibus praedictae rei publicae et regni praedicti, sive mercaturam, sive jus aliud respicientibus, quibus praesuppositis populus, subditi, ac incolae unius confoederatorum habeant ac possideant in regionibus, terris, dominiis, ac regnis alterius tam larga et ampla privilegia, tantasque relaxationes, libertates, immunitatesque quantas peregrinus quilibet possidet vel possidebit in dictis utrinque dominiis ac regnis.

. . . . . .

[10.] Fas sit Reginae regnique Sueciae subditis ac incolis quibuscunque tuto ac sine molestia iter facere in Anglia, Scottia, et Hybernia, omnibusque illarum ditionibus et easdem transire, terra vel mari quocunque libuerit, ad gentes alias quascunque atque cum illis commercium instituere et mercaturam in omni mercimoniorum genere liberrime exercere, illaque isthuc advehere indeque evehere. Iisdem fruatur libertatibus populus reipublicae praedictae in regnis, dominiis, ac territoriis Reginae regnique Sueciae, ea conditione, ut observentur utrinque leges, ordinationes, ac jura peculiaria cujusque gentis, quae commercia et mercaturam concernunt.

. . . . . .

[16.] De commoditatibus aliis quibus frui poterint et legibus secundum quas se gerere tenebuntur naves bellicae, quae in portus vel stationes alterius confoederatorum appulerint; de commercio in America faciendo; item de commoditatibus piscationis halecum et piscium quorumcunque, de stapulis et emporiis commerciorum constituendis; deque aliis rebus et conditionibus quae ad majorem superiorum articulorum evidentiam requiri poterint, statuetur, prout in posterum peculiari tractatu vel contractu invicem conveniet.

. . . . . .

Ad corroboranda haec omnia quae supra scripta sunt atque in fidem sufficientem, fore, ut ex parte Regiae Majestatis dominae nostrae clementissimae, sanctissime ac integerrime observentur, atque intra praefinitum diem ratihabeantur, haec propriis manibus subscripsimus et sigillis nostris munivimus. Actum Upsaliae, die undecima Aprilis, anno 1654.

AXELIUS OXENSTIERNA. ERICUS OXENSTIERNA, AXELII.

Proinde praedictum ac supra hic insertum pacti, foederis, atque articulorum conventorum instrumentum cum Serenissimae Potentissimaeque principis ac dominae, Dominae Cristinae, Dei gratia Suecorum, Gothorum, Vandalorumque reginae, magnae principis Finlandiae, ducis Esthoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae, et Vandaliae, principis Rugiae, nec non dominae Ingriae et Wismariae etc. plenipotentibus commissariis per dictum extraordinarium legatum nostrum in ordinem redactum in omnibus punctis et clausulis approbavimus et ratum habuimus prout tenore ac vigore praesentium illud nostro et dictae Reipublicae nomine approbamus et ratum habemus, spondentes nos atque successores nostros dictum instrumentum in omnibus punctis et clausulis suis inviolabiliter servaturos ac impleturos, neque passuros

ut a nostratibus vel aliis quibuscunque infringatur vel violetur, in quorum fidem et robur hasce manu nostra subscripsimus et magno sigillo Angliae muniri fecimus. Dabantur in Alba Aula trigesimo primo die Julii, anno millesimo sexcentesimo quinquagesimo quarto. HUSEY.

OLIVERUS P.

TRANSLATION.

We, Oliver, lord protector of the Commonwealth of England, Scotland, and Ireland, and of the dominions thereof, desire it to be known to all and singular whom it concerns or may in any way concern, that whereas we have been moved by a proper desire and favorable will to contract and enter into a league and closer friendship with the Most Serene and Most Potent princess and lady, the Lady Christina, by the grace of God queen of the Swedes, Goths, and Vandals, great princess of Finland, duchess of Esthonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, princess of Rügen, and lady of Ingria and Wismar, etc., and with the kingdom of Sweden; therefore we have thought it necessary to send to her Royal Majesty Lord Bulstrode Whitelocke, constable of Windsor Castle, and one of the keepers of the great seal of England, our ambassador extraordinary, in order that he may agree with the commissioners plenipotentiary of her Royal Majesty, upon a close, firm, sincere, and mutual friendship and confederacy, to be observed on both sides. Therefore, after everything had been carefully deliberated and discussed in the name of both parties, they sanctioned the regulations of a mutual treaty, after the manner which follows literally inserted, to wit:

[1.] Between the said Lord Protector and the aforesaid Commonwealth, and the Queen and kingdom of Sweden, and all and singular their dominions, kingdoms, countries, provinces, islands, lands, colonies, cities, towns, peoples, citizens and residents, and in general all their subjects and inhabitants, there shall be and remain henceforth a good, sincere, firm, and perpetual peace, amity, good-will and correspondence, so that both parties shall mutually cherish each other with the most complete love and affection.

. . . . . .

[4.] Imprimis, it shall be granted and permitted to either of the aforesaid confederates, and to their people and subjects, freely and securely, without license or safe conduct, general or special, to enter by land or sea, or by any route whatsoever, into all the kingdoms, countries, provinces, lands, islands, cities, villages, towns, walled or unwalled, fortified or unfortified, the havens, dominions, and jurisdictions of the other confederate, to go thither or return thence, to stay there, or to pass through them; and meanwhile to buy at will all things necessary for their provision and use, and to procure them at a just price; and they shall be treated with all good-will. Moreover, either of the confederates, their subjects, citizens, and people may trade, traffic, and carry on commerce in all places where commerce was carried on hitherto, and in whatever goods they please. They may import and export the same at discretion and in whatever amount, provided the customs which are due have been paid, and the laws and ordinances of the aforesaid Commonwealth and kingdom, whether concerning commerce, or any other right, have been observed. These conditions being presupposed, the people, subjects, and inhabitants of either confederate shall have and possess in the countries, lands, dominions, and kingdoms of each other, as large and ample privileges, and as great exemptions, liberties, and immunities, as any foreigner possesses or shall possess in the said dominions and kingdoms of both parties.

. . . . . .

[10.] The subjects and inhabitants of the Queen and kingdom of Sweden may travel safely and without molestation in England, Scotland, and Ireland, and all of the dominions thereof, and pass through them by land or sea, whenever they please, to any other nations, and open trade with them, and engage in traffic with all freedom, in all kinds of commodities, and import them thither, and export them thence. The people of the aforesaid Commonwealth shall enjoy the same liberties in the kingdoms, dominions, and territories of the Queen and kingdom of Sweden. Provided that the laws, ordinances, and special rights of each nation concerning trade and traffic shall be observed on both sides.

. . . . . .

[16.] As to the other advantages to be enjoyed by warships arriving in the ports and harbors of either confederate, and the rules by which they shall govern themselves; concerning the exercise of commerce in America, and also the benefits of the herring and other fisheries, the establishment of staples and emporia for commerce, and other things and conditions which may be required for greater clearness of the foregoing articles, it shall be determined as shall be mutually agreed upon hereafter by special treaty or contract.

. . . . . .

To confirm all that is written above, and in sufficient witness that it will be most sacredly and completely observed by her Royal Majesty, our most gracious lady, and ratified within the aforesaid period, we have subscribed these presents with our own hands, and sealed them with our seals. Done at Upsala, on the eleventh day of April, 1654.

AXEL OXENSTIERNA. ERIC OXENSTIERNA, son of Axel.

Therefore we have approved and confirmed in all points and passages the aforesaid and above-inserted instrument of compact, treaty, and articles of agreement concluded and reduced to order by our said ambassador extraordinary with the commissioners plenipotentiary of the Most Serene and Most Potent princess and lady, the Lady Christina, by the grace of God queen of the Swedes, Goths, and Vandals, great princess of Finland, duchess of Esthonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, princess of Rügen, and lady of Ingria and Wismar, etc., as, by the tenor and force of these presents, we do approve and confirm it, solemnly promising in our name and in that of the said Commonwealth that we and our successors will inviolably preserve and fulfill the said instrument in all its points and passages, and will not suffer it to be infringed or violated by our countrymen or by others. In faith and support whereof, we have signed these presents with our hand, and have caused them to be sealed with the great seal of England. Given in Whitehall on the thirty-first day of July, in the year one thousand six hundred and fifty-four. HUSEY.

OLIVER, Protector.

44.

Articles touching Guinea and America concluded by the plenipotentiaries of Great Britain and Sweden at Upsala, May 8 or 12, 1654, O. S.[1]

Introduction.

The Anglo-Swedish treaty of April 11/21, 1654,[2] left the method of determining matters touching the American trade to be settled by future agreement. Similarly, the negotiators of that treaty postponed the settlement of questions relating to Guinea.[3]

In respect to Guinea differences had arisen between the merchants of the two nations. The English Company trading to Guinea, founded in 1630,[4] had complained to the Council of State that the Swedish African Company, organized in 1647,[5] had encroached upon their factories on the Guinea (Gold) Coast, and expelled their factors from places bought for the use of the company.[6] Whitelocke set forth these grievances to the Swedish queen and chancellor. The queen proposed that the English company buy out the Swedish interest, and prevent the King of Denmark from trading there. The chancellor's son, producing counter complaints from the Swedish company, suggested that the whole matter be referred to commissioners appointed by both sides,[7] and his suggestion was embodied in the articles signed in May.

In America the Swedes, first planted by the New Sweden Company on the Delaware in 1638, disputed the trade and territorial possessions with their English and Dutch neighbors.[8] New Sweden was overlapped by grants previously made by English sovereigns to Lord Baltimore, Sir Edmund Plowden, and others. Before the arrival of the Swedes, Englishmen had repeatedly visited the district, and the coat-of-arms of England had been erected there.[9] After 1641, when traders from New Haven settled near the Swedes, troubles became acute. In 1647, indeed, the governor of New Sweden reported that

[1] Although the articles signed by Whitelocke are dated May 8, it would seem from his own statements that they were signed by the commissioners of both sides on May 12. Thurloe, *State Papers,* II. 280, 281; Whitelocke, *Journal,* II. 240.

[2] Doc. **43.**

[3] Whitelocke, *op. cit.,* II. 126.

[4] W. R. Scott, *Constitution and Finance of English, Scottish, and Irish Joint-Stock Companies to 1720* (1910-1912), II. 14-17.

[5] Johnson, *Swedish Settlements,* I. 49; for the history of the company, see Granlund, "Svensk Koloni i Afrika", in *Historiskt Bibliotek,* VI. 285-420.

[6] *Cal. St. Pap. Col.,* 1574-1660, p. 409.

[7] Whitelocke, *Journal,* I. 449, 450, II. 160, 161, 189, 190.

[8] There is some inconclusive evidence that in 1634 or earlier Charles I. of England issued a document "either granting Swedish vessels the right to visit English colonies in America, or giving privileges to Sweden to erect trading posts on unoccupied territory, or both". Johnson, *op. cit.,* I. 178.

[9] *Ibid.,* I. 167 ff.

he had rid himself of the English Puritans,[10] but when the treaty of Hartford [11] seemed to secure the New Englanders from Dutch interference near the Delaware, they endeavored to return there. In 1651 the governor of New Haven and the commissioners of the court of Massachusetts Bay complained about the Swedes to Edward Winslow in London; and the governor of New Sweden expressed his fears of the New Englanders to Chancellor Oxenstierna, who was the head of the New Sweden Company.[12] About the time of Whitelocke's arrival in Sweden a new governor, Rising, sailed thence for New Sweden, instructed to keep the peace with English and Dutch.[13] Shortly after Rising's arrival he established cordial relations with Maryland, conferring with her representatives about territorial claims and a boundary line, and he "endeavored to establish friendly correspondence with the New England settlements".[14] In September, 1654, the commissioners of the United Colonies, informed of the alliance concluded at Upsala in the preceding April, expressed to Rising their hope that the peace and good accord in Europe between England and Sweden would have a powerful influence upon the relations of the two peoples in America.[15] This letter was in harmony with the articles signed at Upsala in May, which provided that, pending the settlement by commissioners, of boundary and other disputes, the colonies of the two countries should cultivate true friendship.

Bibliography.

Text: MS. The original, signed by B. Whitelocke, is in the Riksarkiv at Stockholm.

Text: Printed and facsimile. A facsimile of the original in the Riksarkiv is in A. Johnson, *Swedish Settlements* (1911), vol. II., following p. 620. The treaty is printed in V. Granlund, "En Svensk Koloni i Afrika eller Svenska Afrikanska Kompaniets Historia", in *Historiskt Bibliotek*, vol. VI. (1879), app. 2, pp. 404, 405.

Translation. A. Johnson, *op. cit.*, II. 753-755; B. Whitelocke, *Journal of the Swedish Embassy* (ed. H. Reeve, 1855), II. 240-242, note.

References: Contemporary and early writings. B. Whitelocke, *op. cit.*, I. 449, 450, II. 17, 119, 125, 126, 160, 161, 189-191, 197, 200, 203-205, 210, 240; John Thurloe, *State Papers* (1742), II. 232, 266, 280, 281.

References: Later writings. A. Johnson, *op. cit.*, II. 621, 622; V. Granlund, *op. cit.*, pp. 302, 303.

Text.[16]

Serenissimi ac Celsissimi Domini Olivarii domini protectoris Reipublicae Angliae, Scotiae, et Hiberniae earumque ditionum atque ejusdem reipublicae commissarius, procurator, deputatus, et legatus extraordinarius ego infra scriptus Bulstrodus Whitelockius, constabularius castri de Windsor, et unus cus-

[10] Johnson, *op. cit.*, I. 399.
[11] Doc. **41.**
[12] Johnson, *op. cit.*, I. 230, 402-404.
[13] *Ibid.*, II. 499.
[14] *Ibid.*, II. 572 ff.
[15] *Records of New Plymouth*, X., *Acts*, II. 127-128.
[16] The text is taken from the photographic facsimile of the original in the Riksarkiv at Stockholm, published in Johnson, *op. cit.*, vol. II., following p. 620.

todum magni sigilli Reipublicae Angliae, notum testatumque facio quod cum ipso foederis tractatu inter praedictum Serenissimum ac Celsissimum dominum meum Olivarium dominum Protectorem ac Serenissimam Potentissimamque principem ac dominam, Dominam Christinam Dei gratia Suecorum, Gothorum, Vandalorumque reginam, magnam principem Finlandiae, ducem Esthoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae, et Vandaliae, principem Rugiae, nec non dominam Ingriae et Wismariae, etc. stabilita sit firma pax et amicitia, eidem congruere potissimum judicavi modum reperire, amovendis nonnullis subditorum, populorum, ac civium invicem gravaminibus, et praeripere materiam et occasionem unde in posterum enascantur; proinde de motis quibusdam quaestionibus ita cum praedictae suae Regiae Majestatis, regnique Sueciae senatoribus ac plenipotentibus commissariis illustrissimis atque excellentissimis dominis Domino Axelio Oxenstierna regni cancellario et judice provinciali occidentalium Norlandiarum, Lapponiaeque, Herredaliae, et Jemptiae, comite Moreae Australis, libero-barone in Kimitho, domino in Fiholm et Tydöen, equite aurato, et domino Erico Oxenstierna Axelii Generalis Collegii Commerciorum praeside, comite Moreae Australis, libero-barone in Kimitho, domino in Tydöen, Vi[s]by, et Gorweten conveni quemadmodum sequentibus exprimitur et explicatur.

Inprimis cum Anglicana quaedam societas in Guinaea mercaturam exercens conquesta sit de quodam Henrico Carelovio, qui directorem agens nomine Suecanae Societatis in dictis oris loca nonnulla ab Anglis habitata iisdem eripuerit, aliisque molestiis affecerit, praedicta vero Societas Suecana non tantummodo nominati directoris ac suam culpam nullam esse probandam susceperit, verum etiam sua iterum gravamina contra praedictae Societatis Anglicanae ministros reposuerit, hae autem controversiae mercatorum particulares hac vice ob certas rationes penitus aboleri non potuerint; consultissimum utrinque visum est ut quantocius coram certis utrinque commissariis amicissime et sine ambagibus componantur; interim autem convenit nulli praejudicio alterutri parti hanc moram fore, adeo ut neque societatum praedictarum participes ac ministri, neque ulli utriusque status subditi ac cives se invicem ulla, aut in Guinaea liberrimoque ibidem commercio, aut in itinere injuria vel molestia afficiant, verum delata, prout superius indigitatum est, ad superiores utriusque controversiarum diremtione amice inter se vivant et ea se complectantur benevolentia quae foederi utrinque concluso consentanea est. Idem etiam observetur in America inter Novae Sueciae et Anglorum colonias ut amicitiam sinceram colant, et ab omnibus molestiis ac injuriis utrinque abstineant. Inprimis autem conservationi mutuae studeant donec de limitibus coloniarum, et aliis si quae sint amicitiae legibus simul cum caeteris particularium negotiis coram deputatis utrinque commissariis rite conveniri poterit. Quae omnibus et singulis utriusque status subditis ac civibus quorum interest injungenda, ab iisque observanda fore, hisce praesentibus vi commissionis meae in me integerrime recipio, et, subscriptione manus meae sigilloque corroboro. Actum Ubsaliae 8° mensis Maii, anni 1654.

Bulstrode Whitelocke.

Translation.

1. I, the undersigned Bulstrode Whitelocke, constable of Windsor Castle and one of the keepers of the great seal of the Commonwealth of England, commissioner, attorney, deputy, and ambassador extraordinary of the Most Serene and Most High lord Oliver, lord protector of the Commonwealth of England, Scotland, and Ireland, and the dominions thereof, and of the said

Commonwealth, do make known and testify that whereas by the treaty of alliance between the said Most Serene and Most High my lord Oliver, lord protector, and the Most Serene and Most Potent princess and lady, the Lady Christina, by the grace of God queen of the Swedes, Goths, and Vandals, great princess of Finland, duchess of Esthonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, princess of Rügen and also lady of Ingria and Wismar, etc., a firm peace and amity is established, I have judged it especially consonant therewith to find means for mutually removing some grievances of the subjects, peoples, and citizens of either state, and for taking away the cause and occasion from which hereafter grievances might spring. Therefore in respect to certain questions that have been raised, I have agreed with the most illustrious and most excellent lords, senators, and commissioners plenipotentiary of her said Most Royal Majesty and of the kingdom of Sweden, the Lord Axel Oxenstierna, chancellor of the kingdom and provincial judge of West Norrland, Lappland, Härjedal, and Jämtland, count of Södre Möre, free baron in Kimitho, lord in Fiholm and Tidö, golden knight, and the Lord Eric Oxenstierna, son of Axel, president of the General Commercial College, count of Södre Möre, free baron in Kimitho, lord in Tidö, Visby, and Gorweden, as is expressed and explained in the following:

In the first place, whereas a certain English company carrying on trade in Guinea has complained of one Hendrik Carloff who, acting as governor of the Swedish Company, and in its name, has taken from the English some places inhabited by them on the said coasts, and has otherwise molested them, while the said Swedish Company has not only maintained that no guilt on its part or on that of the said director can be proved, but has also retorted its charges against the servants of the said English Company, and whereas, at this time, it has not been possible, for certain reasons, to abolish entirely these individual controversies of merchants, it has seemed wisest to both sides that they should be settled as soon as possible in a most friendly and straightforward way before certain commissioners from both sides. In the meantime, however, it is agreed that this delay shall not be prejudicial to either party, so that neither the partners and servants of the said companies, nor the subjects and citizens of either state, shall injure or annoy one another, either in Guinea or on the voyage thither, and that in the freest traffic there; but, as above indicated, referring the decision of disputes on both sides to their superiors, they shall live in mutual amity and shall treat each other with that good-will which is conformable to the treaty concluded by both sides. The same rule shall also be observed in America between the colonies of New Sweden and of the English, that they cherish sincere friendship, and abstain from all annoyances and injuries on both sides. And especially they shall labor for their mutual preservation until the question of the boundaries of the colonies and other regulations for amity, if there be any, together with the remaining business of individuals, shall be decided before the commissioners duly appointed by both sides. These things in their entirety, I accept by these presents, in virtue of my commission, to be enjoined upon all and singular the subjects and citizens of either state, whom it concerns, and to be observed by them, and I ratify them by the subscription of my hand and by my seal. Done at Upsala, May 8, 1654.

Bulstrode Whitelocke.

45.

Treaty of peace and alliance between Portugal and Great Britain, concluded at Westminster July 10/20, 1654. Ratification by the King of Portugal, June 9, 1656. [Ratification by Cromwell, February 29/March 10, 1655(?).]

Introduction.

In 1649-1650 John IV. of Portugal displayed his hostility to the English Commonwealth by sheltering Prince Rupert's fleet in the Tagus, and allowing him to dispose of English prizes and refit his ships there. Moreover, English merchants in Lisbon who were persistently loyal to the Commonwealth were deprived of their liberty and property. For these injuries and losses Blake's capture of part of the homeward-bound Brazil fleet partially compensated.

Late in the year 1650 the King of Portugal sent Guimarães to treat with Parliament concerning the differences between the two nations, and for peace.[1] Guimarães agreed to six preliminary articles [2] providing for the release of English prisoners, the restitution of English ships and goods, and the payment by Portugal of a large sum of money; but since he did not satisfy Parliament in regard to the method of performing these stipulations he was dismissed.[3] His successor, Count Peneguião, arriving in England as ambassador extraordinary in the autumn of 1652, adjusted and concluded the preliminary articles with the commissioners of the Council of State.[4] Before the dissolution of the Long Parliament in April, 1653, a treaty of peace and commerce was agreed on; [5] but more than a year elapsed before the treaty, somewhat altered,[6] was actually signed. The delay was partly due to the fact that Peneguião was unable to pay the money-compensation promised by Portugal to England. Meanwhile the ambassador's brother became implicated in a murder, and on the morning of the young man's execution the Portuguese ambassador signed the treaty and hastily left London.[7]

Highly favorable to English merchants, the treaty has been said to mark the beginning of Portugal's "commercial vassalage" to England.[8] Involved

[1] Hist. MSS. Comm., *Portland MSS.*, I. 540, 541.
[2] The six preliminary articles, as modified and finally adopted, are in Borges de Castro, *Collecção dos Tratados . . . de Portugal*, I. 162-167.
[3] *Journals of House of Commons*, VI. 570-575, *passim*.
[4] *Ibid.*, VII. 243, 245. The commissioners were Whitelocke, Lisle, Scott, Sir Henry Vane, Bond, Purefoy, Sir William Masham, Colonel Sidney, Walter Strickland, Alleyn, and Sir John Trevor. Santarem, *Quadro Elementar*, XVII. 75.
[5] *Ibid.*, pp. 79 ff.
[6] John Thurloe, *State Papers*, II. 248.
[7] Gardiner, *Commonwealth*, II. 383-386; Thurloe, *op. cit.*, II. 439.
[8] Guernsey Jones, "Oldest European Alliance", *Annual Report* of Am. Hist. Assn. (1916), I. 407-418.

in war with Spain, Portugal was in no position to stand out against England s claims. Especially noteworthy were her concessions in respect to colonial trade, which were much greater than in the treaty of 1642.[9] Englishmen were permitted to engage in trade between Portugal and Brazil and " the other conquests of the . . . King [of Portugal] in the West Indies ", except in certain specified commodities wherein only the Brazil Company might traffic. Englishmen might also trade to the East Indies, Guinea, Binney, and St. Thome,[10] paying only the usual customs. If Portuguese merchants, including the Brazil Company, needed foreign ships for the colonial trade they might hire them only from England, provided that she could supply a sufficient number (art. 11).

In the second article, which conceded mutual freedom of commerce in the lands and colonies of either party, a saving clause, providing for the observance of the ordinances of both countries, and hence of the English Navigation Act, debarred the Portuguese from trade with the English plantations in America. In this trade they had to some extent been engaged.[11] The English, on the other hand, were permitted by the terms of this article to continue their import of fish from New England into Portugal. In 1661 they complained that contrary to this second article their ships laden with fish from New England were not allowed the liberty of Portuguese ports unless they could produce a bill of lading, which was often impossible.[12]

Bibliography.

Text: MS. The original manuscript of the ratification by the King of Portugal is in the London P. R. O., St. Pap. For., Treaties, no. 386.

Text: Printed. J. F. Borges de Castro, *Collecção dos Tratados . . . de Portugal, . . . desde 1640 até o Presente* (1856-1858), I. 168-203; L. van Aitzema, *Saken van Staet en Oorlogh* (1669-1672), III. 938-942; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 82-85; J. A. de Abreu y Bertodano, *Colección de los Tratados de España . . . Reynado de Phelipe IV.* (1744-1751), VI. 261-287.

Translations: English. L. Hertslet, *Complete Collection of the Treaties . . . between Great Britain and Foreign Powers, and of the Laws . . . concerning the same, so far as they relate to Commerce and Navigation* (1827-), II. 8-19; *A General Collection of Treatys* (1732), III. 97-111. **Portuguese.** De Castro, *loc cit.* **Spanish.** Abreu y Bertodano, *loc. cit.*

References: Contemporary and early writings. Great Britain, *Journals of the House of Commons,* VI., VII., see index under " Guiamaras " and " Portugal "; Hist. MSS. Comm., *Thirteenth Report,* appendix, pt. I., *Portland MSS.,* I. (1891) 540-574, *passim*; Viscount de Santarem, *Quadro Elementar das Relações Politicas e Diplomaticas de Portugal,* continued by L. A. Rebello da Silva (1842-1876), XVII. 73 ff.

[9] *Cf. Doc.* **38,** note 20, in vol. I. of this series.
[10] Not " St. Thomas in the West Indies ", as Gardiner states. *Commonwealth,* II. 387.
[11] Edward Johnson, *Wonder-Working Providence* (ed. J. F. Jameson, 1910), pp. 71, 247, in *Original Narratives of Early American History.*
[12] London P. R. O., St. Pap. For., Treaty Papers, no. 57.

References: Later writings. V. M. Shillington and A. B. Wallis Chapman, *Commercial Relations of England and Portugal,* pp. 198-204; S. R. Gardiner, *Commonwealth and Protectorate* (1894-1901), II. 382-387; H. Schaefer, *Geschichte von Portugal* (1836-1854), IV. 571 ff., in Heeren and Ukert, *Geschichte der Europäischen Staaten*; Guernsey Jones, "The Beginnings of the Oldest European Alliance", in the *Report* of the American Historical Association, 1916 (1919), I. 407-418.

TEXT.[13]

Joannes, Dei gratia [rex] Portugalliae et Algarbiorum, citra et ultra mare in Africa, dominus Guineae atque Adquisitionis, Navigationis, et Commercii Ætheopiae, Arabiae, Persiae, ac Indiae etc.

Notum facimus universis praesentes nostras literas patentes approbationis, ratihabitionis, et confirmationis visuris et inspecturis, quod die 10/20 mensis Julii, anni millesimi sexcentesimi quinquagesimi quarti, Wesmonasterii, inter Joannem Rodriquez de Sa e Meneses, comitem de Penaguias, a nostris conciliis status et belli, nostrumque cubiliarchum atque ad Rempublicam Angliae legatum extraordinarium, et admodum illustres Nathanaelem Fennes, armigerum, Antonium Ashley Cooper baronetti, Gilbertum Picherig baronetti, et Gualterum Stridand, armigerum, omnes a secretioribus conciliis Serenissimi Domini Oliverii, protectoris Reipublicae Angliae, Scotiae, et Hiberniae, ejusdemque procuratores, commissarios, et deputatos, tractatus bonae, verae, firmae, et perputae pacis, et amicitiae factus, initus, et conclusus fuit, cujus tenor hic inseritur:

. . . . . .

[2.] Item uti inter Rempublicam Angliae et Regem Portugalliae, eorumque populos, subjectos, incolasque, tam per terram quam mare, flumina, et aquas dulces in omnibus et singulis regionibus, terris, dominiis, territoriis, provinciis, insulis, coloniis, urbibus, oppidis, pagis, portubus, et finibus sit liberum commercium quibus in locis commercium aut ante fuit aut nunc est, ita ut absque ullo salvo conductu, aliaque licentia generali aut speciali, tam per terras quam per mare, flumina, et aquas dulces populus, subjecti, incolaeque alterutrius possint in praedicta dominia et regna omnesque eorum urbes, oppida, portus, littora, sinus, locaque venire, intrare, et navigare, et cum plaustris, equis, sarcinis, navigiis tam onustis quam onerandis, merces importare, emere, vendere, in iisdem quantum voluerint commeatum resque ad victum et profectionem necessarias justo pretio sibi parare, reficiendis navigiis et vehiculis propriis vel conductis aut commodatis operam dare, atque inde cum bonis, mercibus, aliisque rebus quibuscunque cum eadem libertate discedere, indeque ad patrias proprias vel alienas quomoducunque velint et sine impedimento exire; salvis tamen utriusque loci legibus, et statutis omnibus.

. . . . . .

[16.] Item si acciderit ut, quandiu foedus, amicitia, et societas haec duraverit, ab ullo ex populis aut incolis alterutrius partis praedictae contra hoc foedus aut ullam ejus partem, mari, terra, fluminibus, aut aquis dulcibus quicquam fiat aut tentetur, amicitiam hanc, foedus, et societatem inter hasce nationes non idcirco interrumpi aut infringi, verum integram nihilominus durare plenamque vim suam obtinere, tantummodo illos ipsos, qui contra foedus praedictum commiserint, singulos puniri, aliumque neminem; justitiamque reddi et satisfac-

[13] From the original manuscript of the ratification by Portugal, preserved in the P. R. O., St. Pap. For., Treaties, no. 386.

tionem dari illis omnibus quorum id interest, ab iis omnibus qui terra, mari, fluminibus, aut aquis dulcibus contra hoc foedus quicquam commiserint ulla in parte Europae, aut ubivis locorum intra fretum Gaditanum, sive in America, vel per Africae littora, ullisve in terris, insulis, aequoribus, aestuariis, sinubus, fluminibus, ullisve in locis cis Caput Bonae epei intra anni spatium quam justitia postulabitur; in omnibus autem locis, ut supra, trans dictum Caput infra menses octodecim quam justitia praedicto modo poscetur. Et si foederis ruptores non comparuerint, neque se judicandos submiserint, neque satisfactionem dederint, intra hoc vel illud temporis spatium pro loci longinquitate modo limitatum, praedicti illi utriusque partis hostes judicabuntur, eorumque bona, facultates, et quicunque reditus publicabuntur, plenaeque ac justae satisfactioni impendendi erunt earum injuriarum quae ab ipsis illatae sunt, ipsique praeterea, cum in alterutrius partis potestate fuerint, iis poenis obnoxii erunt. quas suo quisque crimine commeruerit.

. . . . . .

Proinde praefatum tractatum bonae, verae, firmae, et perpetuae pacis et amicitiae, octo supra viginti articulos continentem, bene a nobis inspectum, omniaque et singula in ipsis comprehensa per praesentes nostras literas patentes approbamus, rata habemus, et confirmamus. In cujus rei testimonium has literas manu propria nostra signavimus, sigilloque nostro majori in chancellaria nostra ornari jussimus. Dat. Alcantarae nono die Junii. VINCENTIUS DE GUZMAN SOAREZ fecit, anno de Nativitate Domini nostri Jesu Christi millesimo sexcentessimo quinquagesimo sexto. PETRUS VIEIRA LASYBRA, a consiliis sacrae Regiae Majestatis statusque ejus secretarius, subscripsi.

JOANNES Rex.

TRANSLATION.

John, by the grace of God [king] of Portugal and of the Algarves on this side of and beyond the sea in Africa, lord of Guinea, and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, and India, etc.

We make known to all who shall see and inspect our present letters patent of approval, ratification, and confirmation, that on the 10/20 day of the month of July of the year one thousand six hundred and fifty-four, at Westminster, between João Rodriques de Sá e Menezes, count of Peneguião, member of our councils of state and war and our lord chamberlain, and ambassador extraordinary to the Commonwealth of England, and the very illustrious Nathaniel Fiennes, knight, Anthony Ashley Cooper, baronet, Gilbert Pickering, baronet, and Walter Strickland, knight, all members of the more secret councils of the Most Serene Lord Oliver, protector of the Commonwealth of England, Scotland, and Ireland, and his attorneys, commissioners, and deputies, a treaty of good, true, firm, and perpetual peace and amity was made, begun, and concluded, whose tenor is here inserted:

. . . . . .

[2.] Also, that between the Commonwealth of England and the King of Portugal, and their peoples, subjects, and inhabitants, both by land and sea, rivers, and fresh waters, in all and singular the countries, lands, dominions, territories, provinces, islands, colonies, cities, towns, villages, ports, and frontiers, there shall be free commerce, in those places in which commerce was previously or is now carried on, so that without any safe conduct or other license, general or special, both by land and sea, rivers, and fresh waters, the people, subjects, and inhabitants of either party may pass to, enter, and navigate in the said dominions and kingdoms, and in all their cities, towns, ports,

shores, bays, and places, and with wagons, horses, packs, and vessels, both laden or to be laden, may import merchandise and buy and sell and, at a just price, procure for themselves as much as they wish of supplies and necessities for their sustenance and journey; and may look after the refitting of ships and vehicles, whether their own or hired or lent, and with the same liberty depart thence with goods and all other merchandise, and go thence to their own or foreign countries as they wish and without hindrance; saving nevertheless all the laws and statutes of either place.

. . . . . .

[16.] Also, if it shall happen that while this treaty, friendship, and alliance last, anything be done or attempted by any of the peoples or inhabitants of either of the said parties contrary to this treaty or any part of it, by sea, land, rivers, or fresh waters, this friendship, treaty, and alliance between these nations shall not be interrupted or infringed on this account, but shall, nevertheless, remain entire and keep its full force, provided only that those who violate the said treaty shall be individually punished, and no one else; and justice shall be done, and satisfaction given to all those concerned by all those who shall do anything contrary to this treaty by land, sea, rivers, or fresh waters, in any part of Europe, or elsewhere, within the Straits of Gibraltar or in America or along the coasts of Africa, or in any lands, islands, seas, estuaries, bays, rivers, or in any places on this side of the Cape of Good Hope, within the space of a year after justice shall be demanded; but in all places, as above, beyond the said Cape within eighteen months after justice shall be demanded in the manner aforesaid. And if the violators of the treaty shall not appear or give themselves up to trial, or give satisfaction, within this or the other space of time, now prescribed according to the distance of the place, they shall be judged enemies of both parties, and all their goods, property, and revenues shall be confiscated, and applied to the full and just satisfaction of those injuries which were done by them; and the offenders, when they shall be in the power of either party, shall be subject to those penalties which on account of their offenses they shall severally deserve.

. . . . . .

Therefore, by our present letters patent, we approve, ratify, and confirm the said treaty of a good, true, firm, and perpetual peace and amity, containing the above twenty-eight articles, well inspected by us, and all and singular the things comprehended therein. In testimony whereof we have signed these letters with our own hand, and have ordered them to be furnished in our chancellery with our greater seal. Given at Alcantara, on the ninth day of June, in the year of the nativity of our Lord Jesus Christ, 1656. VICENTE DE GUSMÃO SOARES made it. I, PEDRO VIEIRA LASYBRA, member of the councils of his Sacred Royal Majesty and his secretary of state, have signed it.

JOÃO, King.

46.

Treaty of peace and alliance between Denmark and Great Britain, concluded at Westminster September 15/25, 1654. Ratification by Cromwell, February 20, 1654/March 2, 1655. [Ratification by Denmark, October 1, 1654.]

Introduction.

Soon after the beginning of the Anglo-Dutch war the Danes showed their friendship for the United Provinces by detaining at Copenhagen and Elsinore twenty-two English ships, laden with shipbuilding materials.[1] By the treaty of peace concluded between the English and Dutch on April 5/15, 1654,[2] the States General guaranteed the restitution of the detained ships and goods or their value (art. 28), and England, on the other hand, agreed to include Denmark as a friend in the treaty and alliance after such restitution had been made (art. 29). By these articles the way was prepared for Cromwell's reception of the Danish agent, Rosenvinge, who reached London in the middle of April, 1654. On September 2, Nathaniel Fiennes, Sir Anthony Ashley Cooper, Sir Charles Wolseley, and Walter Strickland were empowered to negotiate a treaty,[3] which was signed at Westminster on September 15/25, 1654. The third article of this treaty, which permitted subjects of both parties to trade with each other's countries, except in colonies to which trade was prohibited, without special license, provided for the observance of the Navigation Act and thus excluded the Danes from trading with England's colonies in America.

Bibliography.

Text: MS. The original manuscript of the ratification by Cromwell is preserved in the Rigsarkiv at Copenhagen.

Text: Printed. L. Laursen, *Danmark-Norges Traktater, 1523-1750* (1907-), V. 152-159; L. van Aitzema, *Saken van Staet en Oorlogh* (1669-1672), III. 1094-1096; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 92-94.

Translation. *A General Collection of Treatys* (1732), III. 136-143.

References: Contemporary and early writings. John Thurloe, *State Papers* (1742), II. 214, 234, 395, 446, 619.

References: Later writings. L. Laursen, *op. cit.*, V. 134-152; S. R. Gardiner, *Commonwealth and Protectorate* (1894-1901), II. 367, 379, 381; J. A. Fridericia, *Adelsvaeldens Sidste Dage: Danmarks Historie fra Christian IV.'s Død til Enevaeldens Indførelse, 1648-1660* (1894), pp. 216-218.

[1] Thurloe, *State Papers*, II. 402 ff.
[2] Doc. **42.**
[3] London P. R. O., Treaty Papers, no. 3.

TEXT.[4]

Olivarius protector Reipublicae Angliae, Scotiae, et Hiberniae etc., Omnibus et singulis quorum interest aut quomodocunque interesse poterit constare volumus, quod postquam Serenissimus ac Potentissimus princeps ac dominus, dominus Fridericus Tertius Dei gratia Daniae, Norvegiae, Vandalorum, Gothorumque rex, dux Slesvici, Holsatiae, Stormariae, et Dithmarsiae, comes in Oldenburgh et Delmenhorst, ad nos miserit et deputaverit praenobilem virum dominum Henricum Willemsen Rosewinge, praefectum monasterii Draxmarchiensis et deputatum suum extraordinarium, sufficienti auctoritate munitum, qui de pace, amicitia, liberoque commerciorum intercursu inter rempublicam Angliae etc. et regnum Daniae et Norvegiae etc. stabiliendis et firmandis tractaret et concluderet, Nos eodem amicitiae concordiaeque studio pariter ducti et affecti, nominavimus et constituimus commissarios nostros fidelissimos et praedilectos nobis Nathanaëlem Fiennes armigerum, Antonium Ashley Cooper baronettum, Carolum Wolseley baronettum, Gualterum Strickland armigerum, dominos a secretioribus nostris consiliis, qui virtute auctoritatis et plenipotentiae sibi datae, cujus tenor infra sequitur, cum praedicto domino deputato extraordinario, pluribus ultro citroque habitis colloquiis, in sequentes pacis, unionis, et confoederationis articulos consensere, videlicet:

. . . . . .

3. Utriusque confoederatorum populus, subditi, ac incolae, cujuscunque gradus aut conditionis fuerint, sese mutuo rebus omnibus humaniter atque amice tractabunt, uti terra vel aqua alterutrius regiones, pagos, oppida, sive muro cincta sive non cincta, munita vel non munita fuerint, portus etiam et dominia libere adire possint, quandiu voluerint, ibique sine ullo impedimento commeatum suis usibus, quantum necesse erit, coemere, exceptis iis coloniis, insulis, portubus, ac locis sub alterutrius ditione positis ad quae navigare aut mercaturam facere, absque speciali facultate seu licentia ab altera parte prius impetrata ad quam ejusmodi coloniae, insulae, portus et loca pertinuerint, interdictum est. In reliquis vero utrique nationi integrum erit negotiari et commercium exercere quocumque mercium genere ipsis videbitur easque advehere, distrahere ac suo arbitratu exportare, dummodo quae statuta portoria solvant: salvis etiam alterutrius dominii legibus et statutis omnibus.

. . . . . .

In quorum omnium et singulorum praemissorum fidem et testimonium nos Serenissimi ac Celsissimi Domini Protectoris Reipublicae Angliae, Scotiae et Hiberniae etc., consiliarii ac commissarii, et ego Serenissimi ac Potentissimi Regis Daniae et Norvegiae deputatus extraordinarius praesentem tractatum septendecim articulis comprehensum manu et sigillo nostro subscripsimus et subsignavimus. Actum Westmonasterii decimo quinto Septembris, anno millesimo sexcentesimo quinquagesimo quarto.

Itaque nos probantes et ratihabentes ea omnia et singula quae praedicti nostri commissarii virtute commissionis seu procurationis suae superius insertae cum prefato domino deputato tractaverint et concluserint, suprascriptos pacis unionis et confoederationis articulos, habita de iis matura in consilio nostro deliberatione, in omnibus suis clausulis, membris et contentis, virtute praesentium, omni meliore forma et modo approbamus, ratificamus, et confirmamus, spondentes et promittentes pro nobis et successoribus nostris nos omnia et singula

[4] The text is taken from the original manuscript of the ratification by Cromwell, in the Rigsarkiv at Copenhagen.

in iis contenta firmiter atque inviolabiter esse observaturos, utque ab iis omnibus qui sub hujus reipublicae ditione sunt pariter observentur efficaciter mandaturos. In quorum fidem et firmamentum has praesentes ratihabitionis literas propria manu signavimus, magnique Angliae sigilli appendice muniri fecimus. Datum ex aula nostra Westmonasterii vicesimo Februarii, anno supra millesimum sexcentesimum quinquagesimo quarto juxta computationem Anglicam.

HUSEY.

OLIVER P.

TRANSLATION.

We, Oliver, protector of the Commonwealth of England, Scotland, and Ireland, etc., desire it to be made known to all and singular whom it concerns or may in any way concern, that after the Most Serene and Most Potent prince and lord, Frederick the Third, by the grace of God king of Denmark, Norway, the Vandals and Goths, duke of Sleswick, Holstein, Stormarn, and Ditmarsh, count of Oldenburg and Delmenhorst, sent and deputed to us the illustrious lord Henrik Villumsen Rosenvinge, administrator of the monastery of Dragsmark, and his deputy extraordinary, armed with sufficient authority to treat and conclude concerning the establishing and strengthening of peace, friendship, and commercial intercourse between the Commonwealth of England, etc., and the kingdom of Denmark and Norway, etc., We, equally moved and incited by the same desire of amity and concord, have named and constituted as commissioners our most faithful and well-beloved Nathaniel Fiennes, esquire, Anthony Ashley Cooper, baronet, Charles Wolseley, baronet, and Walter Strickland, esquire, lords of our Privy Council, who by virtue of the authority and full powers given them, whose tenor follows below, have agreed with the said lord deputy extraordinary, after many conferences had been held by both sides, on the following articles of peace, union, and alliance, viz.:

. . . . . .

3. The people, subjects, and nationals of both confederates, of whatsoever station or condition they may be, shall treat each other kindly and amicably in all things, so that whenever they wish they may go freely by land or water to each other's countries, districts, towns, walled or open, fortified or unfortified, harbors, and also, dominions, and there, without any interference, buy whatever supplies may be necessary for their use; except in those colonies, islands, harbors, and places, under the dominion of either, to which it has been forbidden to sail or trade without special leave or license previously obtained from the other party, to whom such colonies, islands, harbors, and places may belong. But elsewhere, both nations shall be at liberty to trade and traffic in whatever kinds of wares they please, and to carry, sell, and export them at will, provided they pay the customs of the ports; and saving also, all the laws and statutes of either sovereign.

. . . . . .

In faith and attestation of all and singular the aforesaid, we, councillors and commissioners of the Most Serene and Most Noble Lord Protector of the Commonwealth of England, Scotland, and Ireland, etc., and I, the deputy extraordinary of the Most Serene and Most Potent King of Denmark and Norway, have subscribed and undersigned with our hands and seals the present treaty, comprised in seventeen articles. Done at Westminster on the fifteenth of September, in the year 1654.

Therefore we, approving and ratifying those things, all and singular, that our aforesaid commissioners by virtue of their commission or full powers inserted above have treated and concluded with the aforesaid lord deputy, do approve, ratify, and confirm the above-written articles of peace, union, and alliance (after having maturely considered them in our council), in all their clauses, members, and contents, by virtue of these presents, in their improved form and manner, engaging and promising for ourselves and our successors, that we shall observe their contents, all and singular, firmly and inviolably, and shall effectually command that they be equally observed by all who are under the authority of this Commonwealth. In faith and support whereof we have signed with our own hand the present letters of ratification, and have caused them to be strengthened by appending the great seal of England. Given from our palace of Westminster, February 20, in the above year 1654, according to the English computation.

HUSEY.

OLIVER, Protector.

47.

Treaty of peace between France and Great Britain, concluded at Westminster, November 3/13, 1655. Ratification by Cromwell at Westminster, November 7/17, 1655. [Ratification by Louis XIV. at Compiègne, November 16, 1655.]

Introduction.

In April, 1654, the English government seemed at last determined to come to a decision respecting its relations with Spain and France. The Dutch war was over, and the English had 160 brave ships at sea, "and store of land forces, all which required either to be lessened and laid down, or to be employed in some advantageous design".[1] On April 4, the day preceding the conclusion of the Dutch treaty,[2] the protector's Council of State commissioned Ashley Cooper and Walter Strickland to treat with the French ambassador, Bordeaux; and Lambert, Pickering, and Montague to treat with the Spanish ambassador, Cardenas.[3] Both Spain and France, at war with each other since 1635,[4] had long sought alliance with the Republic. Philip IV., unfriendly to Charles I. on account of the latter's French marriage and tendencies, and his recognition of Portugal,[5] had retained Cardenas in London, and, alarmed by Blake's victories in the Mediterranean,[6] was the first sovereign to recognize the Republic. France, on the other hand, threatened to be dangerous to the Commonwealth. She sheltered the Stuarts, close kin to Louis XIV.; forbade the import of English woollen manufactures; and permitted Royalist privateers to dispose of their prizes in French ports. By seizing ships of the Levant Company, the French fleet seriously injured English trade,[7] and, in various quarters, French ships, sometimes under commission from Charles II., preyed upon English commerce. The English government retaliated by issuing letters of marque and reprisal, and by authorizing the commanders to make general reprisals against the ships, goods, and subjects of the French king.[8]

These hostilities, however, did not lead to formal war, since France, engaged in both civil and foreign strife, could not afford another enemy. Fearing lest the Republic should join the Spaniards or Frondeurs, Mazarin, early in 1651,

[1] *Clarke Papers*, III. 203.
[2] Doc. **42.**
[3] *Cal. St. Pap. Dom.*, 1654, p. 73.
[4] *Cf.* vol. I., p. 324, of this work.
[5] Doc. **38** in vol. I. of this series.
[6] J. S. Corbett, *England in the Mediterranean* (1904), I. 221.
[7] *Cal. St. Pap. Dom.*, 1649-1650, pp. 11, 12.
[8] *Ibid.*, pp. 563-566; R. G. Marsden, *Documents relating to Law and Custom of the Sea*, II. (1916) 3 ff.

made advances to England; but not until Blake had helped Spain to seize Dunkirk did Mazarin, near the close of the year 1652, properly accredit M. de Bordeaux to the English Parliament.

During the year 1653 the English government fluctuated between a Spanish alliance, a French alliance, and peace with both states. The discovery of Royalist plots, hatched in France, and the ill-treatment of the Huguenots, irritated Cromwell; and in the early months of 1654 a majority of the Council favored war against Louis XIV. It was at this time, in February-March, 1654,[9] that Major Robert Sedgwick and Captain John Leverett were sent to New England with instructions to organize an attack against the Dutch in Manhattan,[10] and with authority to make reprisals on French shipping.[11] Possibly, also, Sedgwick had instructions, or at least permission, to operate against the French posts in "Acadia".[12] At any rate, upon learning at Boston of the Anglo-Dutch peace, he abandoned the expedition against Manhattan, and turned his equipment against New England's Catholic neighbors, to whose territory both England and New England advanced some claims. With little difficulty Sedgwick took the forts of St. John, then under the command of La Tour, Port Royal, and Penobscot, or Pentagoët.[13]

Spain and France, meanwhile, were desperately endeavoring to outbid one another for England's favor. On April 20, 1654, the Council of State balanced the advantages of an enterprise against the Spanish Indies with war against France.[14] The former, it was argued, would benefit Protestantism more than direct aid to the Huguenots, would be less difficult, far more profitable, and more popular with the English people, and would not necessarily lead to war in Europe. Cromwell preferred it. On May 1 he laid before De Baas, who assisted Bordeaux in the negotiations, the following proposals: France should not succor any of the English royal family except the queen mother; the Huguenots' privileges should be confirmed; losses suffered by subjects of either country should be referred to commissioners, and meanwhile English merchants should be reimbursed from a sum—fixed at £200,000—to be deposited by the French king; negotiations concerning hostilities against Spain were to be postponed till other matters had been disposed of.[15]

The English tried to force an acceptance of these conditions by threatening an alliance with Spain. The discovery of De Baas's implication in a plot against the protector, and his consequent expulsion, scarcely interrupted negotiations, and during the summer England's adoption of the "Design" against the Spanish Indies put new life into the conferences with Bordeaux. Yet the English, hoping to confine hostilities to America, refused to ally themselves

[9] *Cal. St. Pap. Dom.*, 1654, p. 140.
[10] Mass. Hist. Soc. *Collections*, fourth ser., II. (1854) 230-232.
[11] Thurloe, *State Papers*, II. 419, 426.
[12] *Memorials of the English and French Commissaries concerning the Limits of Nova Scotia or Acadia* (1755), I. 579-580.
[13] Thurloe, *op. cit.*, II. 583, 584.
[14] *Clarke Papers*, III. 203-208.
[15] Gardiner, *Commonwealth*, II. 440, 441.

with France against Spain. They desired, at this time, to conclude a treaty dealing mainly with commercial matters. Some stipulations concerning the expulsion of Royalists from France occasioned delays, and for several months negotiations dragged. In October Bordeaux learned of Sedgwick's attack on the "Canadian" forts.[16] In February, 1655, discussion centred about the selection of ultimate arbitrators for the evaluation of prizes, the engagements not to aid each other's enemies, and the restitution of the forts. To make the last easier for the English Bordeaux minimized the conquest, alleging a lack of resistance, and that the commerce of that country did not meet the expense of defending it.[17] He argued that restitution was just since letters of reprisal could not entitle to the seizure of fortified places, and that treaties of peace had as their principal aim the restitution of seizures made during the war. He advised submitting the question to arbitrators, as in a similar dispute with the Dutch.

But Cromwell was very reluctant to surrender places whose conquest had passed for important. The English commissioners justified the seizure of the forts on the ground that the English were the first discoverers of the whole coast, and by the maxim "that every one could act for his own advantage in those quarters".[18] They were unwilling to submit the question to arbitrators, unless these should also be empowered to terminate all outstanding disputes respecting Canada, Acadia, and New France, and these involved large sums of money claimed by the English. This proposal was rejected by the French on the ground that only damages suffered since 1640 were to be considered.[19] Near the end of May, when the treaty seemed imminent, negotiations were again interrupted by reports of the massacre of the Vaudois of Piedmont, in which French troops had participated. Not until Mazarin had pressed the government of Piedmont to stop the persecution would Cromwell resume negotiations. Then, in July, the Protector recalled all letters of marque issued against the French.[20] In the same month news of the defeat of the English at Hispaniola, and of the capture of Jamaica, reached England.

The tension with Spain, developing into war in October, made England eager to conclude a treaty with France. Near the end of September negotiations were resumed, and within a fortnight resulted in an agreement respecting New France.[21]

On November 3/13 a treaty of 28 articles was signed. It stipulated peace between the two powers; no aid by either to rebels or enemies of the other; free commerce in each other's dominions in Europe; reciprocal liberty for British and French to import their woollen and silk manufactured goods into each other's territories, and for the French to import their wines into "the harbours, citys and towns" of the English republic; and various regulations to

[16] Bordeaux to Brienne, Oct. 16/26, 1654, in Archives Étrangères, Corr. Pol., Angleterre, vol. 64, f. 231.
[17] Same to same, Feb. 4, 1655, *ibid.*, f. 351.
[18] Same to same, Feb. 18, 1655, *ibid.*, f. 367.
[19] Same to same, Apr. 5, 1655, *ibid.*, f. 424.
[20] Gardiner, *op. cit.*, III. 422.
[21] Bordeaux to Brienne, Oct. 14, 1655, A. E., Angl., vol. 67, f. 45.

encourage and facilitate trade between the confederates. The twenty-fourth and twenty-fifth articles provided for the appointment of commissioners to determine the compensation due for prizes taken and losses suffered by either side, and for settling the question of restoring the forts captured in America. Since France was content that each side should hold what it possessed, no arbitrators were appointed,[22] and until the treaty of Breda England kept Acadia.

BIBLIOGRAPHY.

Text: MS. The ratification by Cromwell at Westminster, Nov. 7/17, 1665, is in the bureau of the archives of the Ministry of Foreign Affairs, in Paris. The ratification by Louis XIV. at Compiègne, Nov. 16, 1655, is in the Bodleian Library, at Oxford, Clarendon State Papers.

Text: Printed. Latin. L. van Aitzema, *Saken van Staet en Oorlogh* (1669-1672), III, 1165-1168; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 121-124; **French.** F. Leonard, *Recueil des Traitez de Paix* (1693), V. From these sources both texts are reprinted in *Mémoires des Commissaires du Roi et de ceux de Sa Majesté Britannique* (1755), II. 10-31.

Translation. *A General Collection of Treatys* (1732), III. 149-161.

References: Contemporary and early writings. John Thurloe, *State Papers* (1742), I.-IV., see indexes under Bordeaux, Baas, French, Treaty, etc.; F. P. G. Guizot, *History of Oliver Cromwell and the English Commonwealth* (1854), vol. I., app., II., app., *passim*; *Lettres du Cardinal Mazarin pendant son Ministère*, ed. A. Chéruel, in *Collection de Documents Inédits sur l'Histoire de France* (1872-1906), V. 91-96, 194, 306, 307, VI., *passim*, VII. 91-93, 127, 131, 132, 138, 167; Sigismund von Bischoffshausen, *Die Politik des Protectors Oliver Cromwell* (1899), app., pp. 190-224; *Letters and Speeches of Oliver Cromwell* (ed. S. C. Lomas, 1904), II. 359, 360, note, III. 300, 301, 454-456; *The Clarke Papers* (ed. C. H. Firth for Royal Historical Society, 1899), III. app., pp. 197-208; see *Commons' Journals*, VII., *passim*; *Calendar of State Papers, Domestic*, 1649-1650, and 1655, *passim*; *Calendar of State Papers, Colonial*, 1574-1660, pp. 423, 424, 441, 444, 447; *id.*, 1675-1676, Addenda, 1574-1674, pp. 89, 90, 92.

References: Later writings. S. R. Gardiner, *Commonwealth and Protectorate, 1649-1660* (1894-1901), vol. I., pp. 346-350, vol. II., chs. XXI., XXXIII., XXXIV., and pp. 129-132, 185-189, 327-329, 354-357, vol. III., chs. XLV., XLVI., XLVII.; Guizot, *op. cit.*, II. 90 ff., 190 ff.; S. von Bischoffshausen, *op. cit.*, pp. 30-42, 59, 60, 65, 66; A. Chéruel, *Histoire de France sous le Ministère de Mazarin* (1882), I. 60-68, 178-180, 275, 276, II. 349-393; G. L. Beer, *Origins of the British Colonial System, 1578-1660* (1908), pp. 376-379; *id.*, "Cromwell's Policy in its Economic Aspects", in *Political Science Quarterly*, XVI. (1901) 604-611, XVII. (1902) 46-50; Frank Strong, "Causes of Cromwell's West Indian Expedition", in *Am. Hist. Rev.*, IV. (1899) 228 ff.; A. P. Newton, *Colonising Activities of the English Puritans* (1914), pp. 314 ff.; M. C. Moreau, *Histoire de l'Acadie Française* (1873), ch. XVIII.; F. X. Garneau, *Histoire du Canada* (1913), pp. 194, 195; B. Murdoch, *History of Nova Scotia* (1865-1867), I. 126-139; W. F. Ganong, "Evolution of the Boundaries of New Brunswick", in *Transactions* of the Royal Society of Canada, second ser. (1901-1902), vol. VII., sect. II., pp. 181-184.

[22] Gardiner, *op. cit.*, III. 423.

TEXT.[23]

Olivarius Dei gratia protector Rei Publicae Angliae, Scotiae, et Hiberniae, etc. Omnibus et singulis quorum interest aut quomodocunque interesse poterit constare volumus, quod cum ad bonam et firmam amicitiam inter Angliam et Galliam renovandam, liberumque commerciorum intercursum, qui aliquandiu nuperum interruptus esset restabiliendum, Serenissimus Potentissimusque princeps ac dominus, dominus Lodovicus Decimus Quartus, rex Gallorum et Navarrae Christianissimus, ad nos miserit et legaverit praenobilem virum Antonium de Bordeaux, equitem, dominum de Neufville, Majestatis suae consiliarium status, supplicum libellorum magistrum etc. legatum suum, sufficienti auctoritate, cujus tenor infra sequitur, munitum atque instructum, qui de praedictis ageret et concluderet; Nos eodem pariter studio ducti atque affecti quo, remotis iis omnibus quae tam laudabili proposito impedimento esse poterint, publica quies mutuumque ditionum alterutrinque commodum promoveatur, nominavimus et constituimus sincere nobis fideles et praedilectos Nathanaelem Fiennes unum e custodibus magni sigilli nostri Angliae, Dominum Philippum vicecomitem Lisle, Gilbertum Pickering, baronettum, et Gualterum Strickland, armigerum, dominos a secretioribus nostris consiliis, commissarios et deputatos nostros, qui virtute auctoritatis et plenipotentiae sibi datae, cujus tenor infra sequitur, variis ultro citroque desuper habitis colloquiis, tandem, benedicente Deo, cum praedicto domino legato in sequentis tractatus articulos convenere, videlicet:

[1.] Uti ab hoc tempore sit firma pax, amicitia, societas, atque foedus inter rempublicam Angliae, Scotiae, et Hiberniae, etc. et regnum Galliae, necnon inter omnes terras, dominia, urbes, atque loca, quae in alterutrius fide ac ditione sunt: utque populus et subjecti utriusque nationis possint tuto ac libere in portubus ac navium stationibus, perque urbes, prout ipsis visum erit, absque illato sibi ullo damno aut injuria versari atque iter facere, imo uti potius faveatur iis ubique, jusque omne praebeatur, idque eorum locorum judicibus et officiariis curae uti sit.

. . . . . .

[24.] Et quandoquidem ab anno 1640 plurimae praedae mari captae multaque utrique nationi, populo, et subditis invicem damna inflicta fuere, conventum est, quod tres commissarii immediate post ratificationem praesentis tractatus ab utraque parte nominabuntur, sufficienti auctoritate muniti ad ejusmodi praedas et damna consideranda, examinanda, aestimanda, liquidanda, eorumque compensationem, solutionem, et satisfactionem determinandam et statuendam secundum postulata, quae intra trimestre spatium post publicationem hujus tractatus numerandum, coram iis ab alterutra parte subditis et popularibus suis producentur et exhibebuntur. Cui rei, dicti commissarii intra sex hebdomadas post dictam publicationem in urbe Londini coibunt, dictasque controversias intra quinque menses proxime sequentes, si fieri possit, determinabunt: Quod si dicti commissarii intra praedictum spatium sex mensium et duarum hebdomadum non consenserint, tum dictae controversiae, quae indecisae pendebunt, remittentur, sicut hisce praesentibus remittuntur ad arbitrium reipublicae Hamburgensis, definiendae intra quatuor menses ab expiratione praedicti temporis spatii praefatis commissariis praestituti proxime numerandos. Et quod dicta respublica Hamburgensis rogabitur, sicut his praesentibus rogatur, ut id arbitrium assumere velit, et commissarios deleget, qui in tali convenienti

[23] The text is from the original manuscript of the ratification by Cromwell, preserved in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

loco, qui per eosdem commissarios fuerit constitutus, super praedicta judicium ferant, et quicquid ab ejusmodi arbitris ceu commissariis determinatum fuerit, utramque partem devinciet, atque intra sex menses proxime sequentes, bona fide praestabitur; ita tamen si intra tempus praescriptum tam dicti commissarii ab utraque parte nominati, quam praedicti arbitri, dictas controversias non determinaverint, nemo propterea molestiae subjicietur, neve praedictae literae mercae vigori suo restituentur, aut aliae novae concedentur intra quadrimestre spatium post expirationem eorum quatuor mensium, qui civitati Hamburgensi ad dictarum controversiarum determinationem praefiniuntur.

[25.] Cumque a supra nominato domino praedictae suae Majestatis legato tria fortalitia, scilicet, de Pemptacoet, St. Jean, et Port-Royal, nuperrime capta in America, simulque bona in iis inventa, repeterentur, et domini commissarii Suae Celsitudinis nonnullis rationibus contenderent, ea retineri debere, conventum est quod hujusmodi controversia referetur, sicut et his praesentibus refertur, ad eosdem commissarios et arbitros, iisdem modo et tempore definienda quibus damna utrique parti ab anno 1640 inflicta in articulo proxime praecedenti referuntur.

. . . . . .

In quorum omnium et singulorum praemissorum fidem et testimonium nos Majestatis suae Christianissimae legatus plenipotentiarius vi et vigore suprascriptae commissionis et potestatis nostrae praesentem tractatum 28 articulis comprehensum propria manu subsignavimus sigilloque nostro munivimus. Actum Westmonasterii tertio die Novembris styl[o] novo, anno millesimo sexcentesimo quinquagesimo quinto.

Proinde nos probantes et ratihabentes ea omnia et singula quae praedicti nostri commissarii virtute commissionis seu procurationis suae superius insertae cum praefato domino legato tractaverint et concluserint, suprascriptos tractatus articulos, habita de iis matura in consilio nostro deliberatione, in omnibus suis clausulis, membris et contentis virtute praesentium omni meliore forma et modo approbamus, ratificamus et confirmamus, spondentes et promittentes, pro nobis et successoribus nostris, nos omnia et singula in iis contenta firmiter atque inviolabiter esse observaturos, utque ab iis omnibus qui sub hujus reipublicae ditione sunt pariter observentur efficaciter mandaturos. In quorum fidem et firmamentum has praesentes ratihabitionis literas propria manu signavimus magnique Angliae sigilli appendice muniri fecimus. Dab. ex Aula Nostra Westmonasterii Novemb. septimo anno supra millesimum sexcentesimum quinquagesimo quinto.

Oliver P.
Jo. Thurloe.

Translation.

We, Oliver, by the grace of God protector of the Commonwealth of England, Scotland, and Ireland, etc., desire to make known to all and singular whom it concerns, or may in any way concern, that whereas, for the purpose of renewing a good and firm friendship between England and France, and re-establishing freedom of commerce, which of late has been temporarily interrupted, the Most Serene and Most Potent prince and lord, Lord Louis the Fourteenth, the Most Christian king of France and Navarre, has sent and despatched to us the illustrious Antoine de Bordeaux, chevalier, lord of Neufville, one of his Majesty's council of state, master of requests, etc., his ambassador, provided and armed with sufficient authority, whose tenor follows

below, to treat and conclude concerning the aforesaid, [we,] equally moved and incited by the same desire, in order that, after the removal of all possible impediments to so laudable a proposal, the public tranquillity and mutual advantage of the dominions of both powers may be promoted, have named and constituted our sincerely faithful and well-beloved Nathaniel Fiennes, one of the keepers of our great seal of England, Lord Philip, viscount Lisle, Gilbert Pickering, baronet, and Walter Strickland, esquire, lords of our Privy Council, our commissioners and deputies, who, by virtue of the authority and full powers given to them, whose tenor follows below, after various conferences thereon on both sides, at length, by God's blessing, agreed with the aforesaid lord ambassador on the articles of the following treaty, viz.:

[1.] That there shall be henceforth a firm peace, amity, alliance, and league between the Commonwealth of England, Scotland, and Ireland, etc., and the kingdom of France, as well as between all the lands, dominions, cities, and places, under the protection and dominion of either; and that the people and subjects of both nations shall be able to remain safely and freely in the ports and roadsteads, and travel through the cities, just as they please, without incurring any harm or injury, but on the contrary they shall be favored everywhere, and every kind of justice shall be rendered them, and the judges and officers of those places shall take care that this is done.

. . . . . .

[24.] And whereas since the year 1640 a great many captures have been made at sea and heavy losses have been inflicted upon each nation, its people and subjects, by the other, it has been agreed that immediately after the ratification of the present treaty, three commissioners shall be named by each side, armed with sufficient authority to consider, examine, estimate, and liquidate such captures and losses, and fix and determine the compensation, payment, and satisfaction for them, according to the claims produced and presented before them by either party, their subjects, and peoples, within a period of three months, to be reckoned from the publication of this treaty. For this purpose the said commissioners shall assemble in the city of London within six weeks after the said publication, and, if possible, shall determine the said controversies within the five months next ensuing. But if the said commissioners shall not reach an agreement within the aforesaid period of six months and two weeks, then the said controversies that await decision shall be referred, as by these presents they are referred, to the arbitration of the republic of Hamburg, to be decided within four months, to be reckoned from the expiration of the aforesaid period of time prescribed for the aforesaid commissioners. And that the said republic of Hamburg shall be asked, as by these presents it is asked, to consent to undertake this arbitration, and to delegate commissioners, who, in a convenient place to be selected by the commissioners, shall give judgment regarding the premises, and whatever shall be determined by such arbitrators or commissioners shall bind both parties and shall be performed in good faith, within the six months next ensuing. Provided nevertheless that if neither the said commissioners named by both parties, nor the aforesaid arbitrators shall decide the said controversies within the prescribed period, no one shall be troubled on that account, nor shall the aforesaid letters of marque be restored to their full force, or other new ones be granted within a period of four months after the expiration of the four months prescribed to the city of Hamburg for the determination of the said controversies.

[25.] And whereas three forts, namely Pentagoët, St. John, and Port Royal, very recently captured in America, together with the goods found in

them, are demanded back by the aforesaid lord, the ambassador of his aforesaid Majesty, and the lords commissioners of his Highness contend with various arguments that they should be retained, it has been agreed that this controversy shall be referred, as by these presents it is referred, to the commissioners and arbitrators to whom the damages inflicted on both parties from the year 1640 are referred in the article next preceding—to be determined in the same manner and at the same time.

. . . . . .

In pledge and testimony of these premises, all and singular, we, the ambassador plenipotentiary of his Most Christian Majesty, have, by virtue of and on the strength of our above written commission and power, signed with our own hand the present treaty, comprised in 28 articles, and sealed it with our seal. Done at Westminster, November 3, new style, 1655.

We, therefore, approving and ratifying these things, all and singular, that our aforesaid commissioners, by virtue of their commission and power inserted above, have negotiated and concluded with the aforesaid ambassador, do now, by virtue of these presents, approve, ratify, and confirm the aforesaid articles of treaty, previously thoroughly considered in our council, in all their clauses, members, and contents, in the best manner, engaging and promising, for ourselves and our successors, that we shall observe their contents, all and singular, firmly and inviolably, and that we shall effectively command them to be observed in like manner by all those who are under the jurisdiction of this Commonwealth. In pledge and confirmation whereof, we have signed these present letters of ratification with our own hand, and have caused them to be secured by the appendage of the great seal of England. Given at our Hall of Westminster, November 7, 1655.

OLIVER, Protector.
JOHN THURLOE.

48.

Treaty between Great Britain and Sweden, concluded at Westminster, July 17/27, 1656. Ratification by England, November 5/15, 1656. [Ratification by Sweden, November 14, 1656.]

INTRODUCTION.

Soon after his accession to the Swedish throne, Charles X. Gustavus sought to realize his military ambitions and enrich the national treasury by beginning war against Poland. It seemed likely that the extension of Swedish control over the Baltic would lead to a conflict with the Dutch, who were commercially dominant in those waters. Hence Charles needed support from a strong maritime power, and sought alliance with England. At the same time he desired to reach an agreement with that country concerning various matters of navigation and commerce, which the treaty of Upsala [1] had left undetermined. For these two purposes he despatched several agents to Cromwell. The first to arrive was an officer of the Commercial College, Peter Julius Coyet, who reached London in March, 1655. Coyet was instructed to ask for Cromwell's ratification of the treaty of Upsala, and to bring about a settlement of the postponed questions. Among these was that of trade to English colonies in America, which Coyet was instructed to demand. In return for this concession he was to offer commercial advantages in the Baltic, that would enable England to trade with Russia by way of Swedish harbors, thus avoiding the long and dangerous voyage to Archangel. Coyet was also to recommend good correspondence and friendship between the colonists of both nations in America and Africa; and, to prevent future disputes, to arrange means for determining the limits between New Sweden and Virginia.[2]

In respect to America, the Commercial College, which had taken over the management of the New Sweden Company,[3] gave Coyet the same directions with some additional details. Their memorial [4] stated that Vice-President Lagerfeldt [5] had deemed the English not unwilling to concede free navigation and trade to Barbados and the other American colonies, and that the English ambassador in Sweden, Whitelocke, had likewise inspired good hopes in that direction. In case such commerce should not be permitted with the native

[1] Doc. **43.**
[2] His instructions are summarized by Pufendorf, *De Rebus a Carolo Gustavo Gestis,* lib. I., sect. 9, and lib. II., sect. 86; and by Carlbom, *Sverige och England,* pp. 1-6.
[3] Johnson, *Swedish Settlements,* II. 469.
[4] The Memorial is printed as an appendix to Carlbom's above-cited work.
[5] *See* Doc. **43,** pp. 21-22.

Indians it might not be refused with the English. Coyet was "to present the case of the boundaries between New Sweden and Virginia, in order that certain commissioners might be appointed for this purpose, who should inspect the boundaries and place certain limits and landmarks [between the two colonies], that the good friendship and confidence which have been renewed and consolidated between the two nations here in Europe might be transplanted and enlarged [over] there in America, also that a free trade there no less than here might be commenced and established".[6]

In July, 1655, Coyet was joined by Christer Bonde, ambassador extraordinary, who was instructed to strive for an alliance and for various privileges respecting navigation and commerce, including the American trade.[7] Bonde was warmly received but made small progress in his negotiations until the English had signed their treaty with France. But from December onwards the Swedish envoys were favored with frequent conferences. On December 28 Nathaniel Fiennes, Bulstrode Whitelocke, Walter Strickland, and Sir Gilbert Pickering were commissioned to treat with them. The negotiations for an alliance failed; for while the Protector desired a Protestant league, in which Sweden must play the leading part, the secular ambitions of Charles X. involved hostility to the Dutch, which Cromwell would not sanction. On the other hand, the difficult negotiations respecting commerce and navigation bore fruit in the treaty of July 17, 1656. This instrument supplemented the treaty of Upsala by specifying contraband goods, furnishing a form of ships' certificates or safe-conducts, and providing for the appointment of three commissioners by each side to determine the satisfaction to be given for losses sustained by both parties during the Anglo-Dutch war. It also provided for the raising of soldiers or hiring of ships in each other's dominions, the sending of warships in each other's ports, the enjoyment by the English of the most-favored-nation privileges in the King of Sweden's dominions in Prussia and Poland, and freedom for the Swedes to fish unmolested in British seas, if not employing over a thousand ships there. Regarding commerce in America, the exclusive provisions of the Navigation Act were confirmed, but with the proviso that, so far as possible, the Protector should grant licences for that trade to Swedish subjects who should privately solicit them.

The question of the limits of New Sweden and Virginia was probably not discussed in the negotiations.[8] In December, 1655, the Swedish Commercial College sent Bonde copies of letters from Rising, governor of New Sweden, in which he referred to the danger from the Dutch and English.[9] At the same time the College instructed the ambassador to try to effect some settlement "in the disputes about the limits and titles of land in America, so that no confusion may arise from it in the future".[10] But about the time of the arrival of these

[6] The translation is from Johnson, *op. cit.*, II. 621, 622.
[7] For Bonde's instructions, see Carlbom, *op. cit.*, p. 43, note, and Pufendorf, *De Rebus a Carolo Gustavo Gestis*, lib. II., sect. 88.
[8] Carlbom, *op. cit.*, pp. 130, 131.
[9] A. C. Myers, *Narratives of Early Pennsylvania* (1912), pp. 158, 159.
[10] Johnson, *op. cit.*, II. 636.

instructions, the astonished ambassador received a visit from Rising himself, who informed him that he had been compelled to surrender New Sweden to the Dutch.[11]

Bibliography.

Text: MS. The original manuscript of the ratification is in the Riksarkiv at Stockholm.

Text: Printed. S. Pufendorf, *De Rebus a Carolo Gustavo Sueciae Rege Gestis* (1696), app., pp. 3-10; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 125-127.

Translation. *A General Collection of Treatys* (1732), III. 162-175; *British and Foreign State Papers,* I. 696-701; L. Hertslet, *Treaties between Great Britain and Foreign Powers* (1827-), II. 317-323.

References: Contemporary and early writings. B. Whitelocke, *Memorials of English Affairs* (1853), IV. 219-270; John Thurloe (1742), III.-V., *passim*; S. Pufendorf, *op. cit.,* liber II., sects. 86-92, liber III., sects. 75-81.

References: Later writings. J. L. Carlbom, *Sverige och England, 1655–Aug. 1657* (Gothenburg, 1900); Guernsey Jones, *Cromwell and Charles X. Gustavus* (Lincoln, Neb., 1897), pp. 19-47; S. R. Gardiner, *Commonwealth and Protectorate, 1649-1660* (1894-1901), III. 425-447; C. H. Firth, *Last Years of the Protectorate, 1656-1658* (1909), I. 302-312; A. Johnson, *Swedish Settlements* (1911), II. 616, 621, 622, 636; P. Kalling, *Riksrådet Frih. Christer Bondes Ambassad till England, 1655* (Akad. Upsala, 1851).

Text.[12]

Olivarius Dei gratia protector Reipublicae Angliae Scotiae et Hiberniae etc. Omnibus et singulis quorum interest aut quomodocunque interesse poterit constare volumus, Quod cum Serenissimus ac Potentissimus princeps ac dominus dominus Carolus Gustavus Dei gratia Suecorum, Gothorum Vandalorumque rex, magnus princeps Finlandiae, dux Esthoniae, Careliae, Bremiae, Verdae, Stetini, Pomeraniae, Cassubiae, Vandaliae, princeps Rugiae, dominus Ingriae et Wismariae, nec non comes palatinus Rheni, Bavariae, Juliaci, Cliviae, et Montium dux etc. ad nos miserit et legaverit excellentissimum dominum Christiernum Bonde suum regnique sui senatorem et collegii commerciorum consiliarium, liberum baronem de Laijhela, dominum de Ymsioholm, Bordsioo et Springestadh etc., legatum suum extraordinarium, qui de negotiis tam mutuae amicitiae stabilimentum quam commoditates commerciorum ac navigationis concernentibus nobiscum tractaret et concluderet, Nos in eundem finem nominavimus et constituimus commissarios nostros praefideles nobis et praedilectos Nathanaelem Fiennes unum e custodibus magni sigilli Angliae et a secretioribus nostris consiliis, Bulstrodum Whitelock militem, unum e commissariis thesaurarii nostri atque constabularium castri de Windsor, et Gualterum Strickland armigerum et a dictis nostris secretioribus consiliis, qui virtute auctoritatis et plenipotentiae sibi datae, cujus tenor infra sequitur, cum praedicto domino legato extraordinario, pluribus ultro citroque habitis colloquiis, in articulos infra scriptos consensere vizt.

. . . . . .

[11] Johnson, *op. cit.,* II. 616.

[12] The text is taken from the original manuscript of the ratification by Cromwell, preserved in the Riksarkiv at Stockholm.

9. Quod ad commercium in America habendum, id quidem lege diserte cautum est, ne cujusvis praeterea rei publicae subditis, sine peculiari licentia, commercium illic promiscue habendi potestas fiat; siquis autem subditorum Serenissimi Regis Sueciae ejusdem literis commendatitiis munitus hanc sibi licentiam privatim ad eas quaslibet colonias petiverit, Dominus Protector, quo ad rerum ac rei-publicae status pro tempore permiserit, haud invitus hac in parte desiderio Serenissimae Regiae Majestatis Sueciae satisfaciat.

. . . . . .

Itaque nos, probantes et ratihabentes ea omnia et singula quae praedicti nostri commissarii virtute commissionis seu procurationis suae superius insertae cum praefato domino legato extraordinario tractaverint et concluserint, supra scriptos articulos, habita de iis matura in consilio nostro deliberatione, in omnibus clausulis, membris et contentis virtute praesentium omni meliore forma et modo approbamus, ratificamus, et confirmamus, spondentes et promittentes pro nobis et successoribus nostris, nos omnia et singula in iis contenta firmiter atque inviolabiliter esse observaturos; utque ab iis omnibus qui sub hujus rei-publicae ditione sunt pariter observentur efficaciter mandaturos. In quorum fidem et firmamentum praesentes ratihabitionis literas propria manu signavimus, magnique Angliae sigilli appendice muniri fecimus. Datum e palatio nostro Westmonasterii quinto die Novembris, anno millesimo sextentesimo quinquagesimo sexto.

OLIVER P. HUSEY.

TRANSLATION.

Oliver, by the grace of God protector of the Commonwealth of England, Scotland, and Ireland, etc.

To all and singular whom it concerns or whom it may in any way concern, we desire it to be made known that whereas the Most Serene and Most Powerful prince and lord, the lord Charles Gustavus, by the grace of God king of the Swedes, Goths, and Vandals, great prince of Finland, duke of Esthonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, count palatine of the Rhine, duke of Bavaria, Jülich, Cleves, and Berg, etc., despatched and deputed to us the most excellent lord, Christer Bonde, senator of his kingdom and councillor of the Commercial College, free baron of Laihela, lord of Ymsjöholm, Bordsjö, and Springestad, etc., his ambassador extraordinary, to negotiate, treat, and conclude with us respecting the establishment of mutual friendship, and matters advantageous to commerce and navigation, We have named and appointed as our commissioners for the same purpose our very loyal and beloved Nathaniel Fiennes, one of the keepers of the great seal of England, and member of our Privy Council, Bulstrode Whitelocke, knight, one of the commissioners of our treasury and constable of the castle of Windsor, and Walter Strickland, esquire, member of our Privy Council, who, by virtue of the authority and full power given to them, the tenor of which follows below, after many conferences had been held by both sides, agreed with the aforesaid ambassador extraordinary upon the articles written below.

. . . . . .

9. As to commerce to be carried on in America, that is indeed clearly forbidden by law, so that it is not permitted to the subjects of any other commonwealth besides to trade there indiscriminately without special license. But if any of the subjects of the Most Serene King of Sweden, furnished with his

letters of recommendation, shall privately solicit license for himself, to go to any of these colonies, the Lord Protector, not unwillingly, shall satisfy the desire of the Most Serene Royal Majesty of Sweden in this matter, so far as the state of affairs and of the Commonwealth may at the time permit.

. . . . . .

We, therefore, approving and ratifying these, all and singular, which by virtue of their commission or power, inserted above, our aforesaid commissioners have treated and concluded with the aforesaid lord ambassador extraordinary, do, after mature deliberation thereon in our council, approve, ratify, and confirm the above-written articles in all clauses, members, and contents, by virtue of these presents, in the best form and manner, engaging and promising for ourselves and our successors, that we shall observe their contents, all and singular, firmly and inviolably, and shall effectually command that they be equally observed by all who are under the authority of this Commonwealth. In faith and support whereof we have signed with our own hand the present letters of ratification and have caused them to be strengthened by appending the great seal of England. Given from our palace of Westminster, on the fifth day of November, in the year 1656.

OLIVER, Protector: HUSEY.

49.

Treaty of amity and commerce between Virginia and New Netherland, concluded at Jamestown in April (?), 1660.

Introduction.

The colony of Virginia considered freedom of trade, particularly with the Dutch in Europe and America, essential to its existence.[1] On the other hand, the British government, straining to acquire for its people a larger share of the carrying trade which was mostly in Dutch hands, made various attempts to restrict the trade of Virginia, as well as of other colonies, to English vessels and ports.[2] During the Civil War Virginia, predominantly Royalist, welcomed Dutch traders,[3] and, after the establishment of the Commonwealth, defied the act of October 3, 1650, which prohibited foreigners from trafficking with Virginia and other rebellious colonies.[4] When, in March, 1652, Virginia surrendered to Parliamentary forces, one of the articles of capitulation provided "That the people of Virginia have free trade as the people of England do enjoy to all places and with all nations according to the lawes of that Commonwealth, and that Virginia shall enjoy all priviledges equall with any English plantations in America".[5] This article, which was confirmed by Parliament,[6] was interpreted by the Virginians as freeing them from the restrictions of the aforementioned act and apparently from the Navigation Act of October 9/19, 1651.[7] Despite the outbreak of the Anglo-Dutch war in the spring of 1652, trade between Virginia and New Netherland continued and developed.

It was greatly to the interest of the Dutch West India Company that New Netherland should cultivate friendship and trade with her stronger English neighbors. In pursuance of this policy, in May, 1653, while the Anglo-Dutch war was in progress, Stuyvesant sent an embassy to Virginia to conclude with that colony a close "alliance, correspondence, and commerce". The governor and council of Virginia consented merely to refer the proposal to the English government. Near the end of the year, Stuyvesant despatched another envoy, Rev. Samuel Drisius, to learn what reply had come from Eng-

[1] *Cf.* the petition of the House of Burgesses to the Privy Council drawn up at the session of 1631/2, in *Journals of the House of Burgesses of Virginia, 1619-1658/9* (1915), p. 55; the burgesses' answer to the king's proposition, made at the session of 1637/8, *ibid.*, pp. 58, 59; and the letter from the governor and council in Virginia to the Privy Council, March, 1631, *ibid.*, p. 125.

[2] G. L. Beer, *Origins of British Colonial System*, pp. 231 ff.

[3] *Ibid.*, pp. 350-356; *Journals of House of Burgesses*, 1619-1658/9, p. 74.

[4] *Ibid.*, p. 76.

[5] *Ibid.*, p. 79.

[6] *Commons' Journals*, VII. 172, 173.

[7] For this act see Doc. **42**, p. 8. Evidence that the Virginians interpreted the article as giving them freedom of trade is in Hening, *Statutes*, I. 535; *Journals of House of Burgesses*, 1619-1658/9, p. 87.

land; or, if none had been received, to ask for a provisional continuation of commerce between the two places and a pass for some Dutch merchants and their yachts "to pay and collect debts among inhabitants of Virginia".[8] This embassy was the inducement for extensive trade and sale of merchandize;[9] yet because of the high price of all kinds of goods, the low price of tobacco, and the danger of interference by England, Stuyvesant feared that the traffic would not be of long duration.[10] In the spring of 1658, indeed, it appeared to be threatened by an act of the Virginia assembly imposing a duty of ten shillings a hogshead on tobacco bartered for Dutch goods shipped in any Dutch or other vessel, bound to any port of America or elsewhere, excepting English vessels directly bound to England.[11] Probably with a view to overcoming this handicap, a New Netherland ordinance enacted in April, 1658, provided for the exemption of tobacco from the 10 per cent. duty laid upon other imports.[12] Certainly the export of Virginia tobacco to the United Netherlands by way of New Netherland continued.[13]

In January, 1660, when England was in the state of anarchy marking the period between the resignation of Richard Cromwell and the accession of Charles II., Governor Mathews of Virginia died. Nicholas Varleth, Stuyvesant's brother-in-law, had an interest in the late governor's estate, and wished to attend to it in Virginia.[14] Stuyvesant seized this opportunity to commission him and Captain Bryan Newton as envoys to the colony to condole the death of Governor Mathews, propose an offensive and defensive alliance against the Indians, and request permission to enlist 25 to 30 freemen as soldiers. Doubtless the most important object of their mission was to "propose with all possible persuasive reasons a mutual correspondence and unmolested commerce and traffic, back and forwards, of the yachts, as both nations enjoy them in the Fatherland, with goods and wares from their own countries and places".[15]

The envoy's instructions are dated March 1, 1660. About three weeks later, on March 13/23, the assembly of Virginia convened. With this assembly and with the governor whom it elected—Sir William Berkeley—the envoys concluded the articles printed below. These allowed the Dutch liberty to traffic with Virginia, and stipulated that traders of either colony should have "equal despatch and justice in each other's courts"; that runaway servants should be mutually returned and creditors permitted to sue absconding debtors in the colony to which they had fled. The articles did not provide for an alliance against the Indians, or for the enlistment of soldiers in Virginia by the Dutch. To give effect to the articles the Virginia assembly passed an act "For the pay

[8] Fernow, *Documents relating to the History of Long Island,* pp. 202, 217, 241, 242.
[9] *Ibid.,* p. 301.
[10] *Ibid.,* p. 350.
[11] Hening, *Statutes,* I. 469.
[12] *Laws and Ordinances of New Netherland, 1638-1674,* I. (1868) 348.
[13] Fernow, *op. cit.,* pp. 428, 451, 453.
[14] B. Fernow, *Documents relating to the Towns along the Hudson and Mohawk Rivers* (1881), p. 144.
[15] *Ibid.,* pp. 145-147.

of Dutch masters bringing in runaway servants"; and an act which decreed that the Dutch and other foreigners should have liberty to trade with the Virginians and should be protected there, provided they gave bond and paid the impost of 10 *s.* per hogshead laid upon all tobacco exported to any foreign dominions, and provided also that the duty should be lowered to 2 *s.* per hogshead for tobacco exchanged for negro slaves.[16]

About the middle of April Varleth and Newton returned to New Amsterdom.[17] Thither, two months later, they were followed by Sir Henry Moody, who came as envoy from Virginia to receive the signatures of Stuyvesant and the council to the treaty concluded at Jamestown.[18]

Pleasing though it was to both colonies, the treaty had little effect. For the English royal government was determined to enforce the new Navigation Act of 1660 by debarring the Dutch from the Virginia trade.[19] The instructions given to Berkeley in 1662 required him not to permit any tobacco to be shipped from Virginia except in English vessels and to punish offenders against the Act of Navigation.[20]

Bibliography.

Text: MS. A contemporary manuscript of the text is preserved at Albany, N. Y., Dutch MSS., vol. 9, Council Min., p. 400.

Text: Printed. E. B. O'Callaghan, *New Netherland* (second ed., 1855), II. 413-414.

References: Contemporary and early writings. B. Fernow, *Documents relating to the History and Settlements of the Towns along the Hudson and Mohawk Rivers,* in *Docs. Col. Hist. N. Y.,* XIII. (1881) 144-147, 163; *id., Documents relating to the History of the Early Colonial Settlements principally on Long Island,* in *Docs. Col. Hist. N. Y.,* XIV. (1883) 350, 482; W. W. Hening, *The Statutes at Large; being a Collection of all the Laws of Virginia* (1819-1823), I. 535, 536, 539, 540, II. 11; E. B. O'Callaghan, *Calendar of Historical Manuscripts in the Office of the Secretary of State, Albany, N. Y.* (1865), [pt. I.,] pp. 207, 213, 217, 292, 293.

Later writings. J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), I. 682-685; E. B. O'Callaghan, *New Netherland,* II. 408, 413-415; G. L. Beer, *British Colonial System, 1578-1660* (1908), I. 396; P. A. Bruce, *Economic History of Virginia in the Seventeenth Century* (1895), I. 349-358, II. 314, 315.

Text.[21]

[Articles of amitie and commerce agreed and concluded on between the Right Honnourable the Governour and Assembly of Virginia and Mr. Nich-

[16] Hening, *Statutes,* I. 539, 540.

[17] Fernow, *op. cit.,* p. 163.

[18] E. B. O'Callaghan, *Calendar of Historical MSS., Albany,* I. 213.

[19] Reasons to prove that the admission of the Dutch to the trade in Virginia would cause loss to the king and prejudice the plantation are in J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1858), III. 43. The remonstrance against the Navigation Act made by John Bland on behalf of the people of Virginia and Maryland is in the *Virginia Magazine of History and Biography,* I. 142-155 (1893-1894).

[20] *Ibid.,* III. 18 (1895-1896).

[21] The text is from a contemporary manuscript preserved at Albany, Dutch MSS., vol. 9, p. 400. The manuscript had been damaged by fire. In the following text, words illegible in it have been supplied from the version printed by O'Callaghan, *op. cit.,* II. 413-414.

olas] Varleth, Capt. L[ieut. Brian Newton, agents for] the Right Honnourable Peter St[uyvesant, Governour] Generall of the N. Netherlands, Curaçoa, [Bonaire], Aruba and Counsell of Staet there established.

First, it is concluded and agreed [that] a free trade [and] commerce shall be permitted to the inhabitans of the New Netherlands provyded they pay unto the right honnourable governour of Virginia for the tobacco by them exported, such rates and customes as others neightbouringe English and strangers doe or shall pay; all trade and commerce with the Indians beinge one each syde prohibited.

Secondly, it is concluded that the inhabitans of Virginia and the New Netherlands tradinge each with other shall have equall dispatch and justice in each others courts of judicature as theire owne nation have, and that uppon complaint of injustice done one either syde, in any inferior court, the governour of each place shal be pleased to graunt a rehearing in his owne person, and if it shal be sufficiantly proved that there hath bene wronge judgement given against any partye of either nation and no redresse made, it shall be esteemed as a breach of this article.

Thirdly, that all servants that formerly have made escapes and at present are resident in each others provinces or theire limites, or such that may heere after macke escapes and run away, into each others jurisdictions, uppon complaints and notice given they shal be secured and returned with the first convenient passadge and for the apprehendinge transportation and other expences shal be given satisfaction either by the master or else by the tresurer of the country.

[Fourthly, it is agreed and concluded, that if any person being indebted in this country shall remove or transporte himselfe to the New Netherlands] or any person in[debted in the New] Netherlands shall transport himselfe to Virginia, it shall be lawfull for the creditors of each such person or persons to tacke out processe in the forsaide places of Virginia and the N: Netherlands, and bringe it to tryal and judgement, as if the debts ware made properly in that place where the debtors are in beinge; unlesse the debtor uppon demaunde doe give securitie to macke due and just payment of the said (debt or debts;) and uppon default of none paiment thereof the securitie shal be oblidged to macke satisfaction.

50.

Treaty of peace and alliance between Portugal and Great Britain and of marriage of Charles II. with the Infanta of Portugal, concluded at London, June 23, 1661, O. S.; secret article. Ratification by Portugal, August 28, 1661, N. S.

INTRODUCTION.

The key-note of Charles II.'s foreign policy was the encouragement of England's commercial and colonial expansion. This policy, supported by Clarendon and Downing, as well as by public opinion, bore early fruit in the treaty with Portugal.[1]

One of the most momentous decisions that Charles had to make after his restoration to the English throne in May, 1660, concerned the attitude that England should take toward Spain. Four years previously he had signed a treaty with Philip IV. providing that the Anglo-Spanish treaty of 1630 [2] should be renewed; that from the day of his restoration the interests of the two crowns should be inseparably united; that in the year 1656 and under certain conditions Philip should aid him to recover his crown; that after his return to England he should help Philip to regain Portugal, should renounce friendship with and prohibit assistance to the Duke of Braganza, should forbid his subjects to make any new plantations in the West Indies or occupy any islands or places on the mainland there, and should restore places occupied by the English later than the year 1630 and particularly in the time of Cromwell, both in America and elsewhere.[3] The reference in the last clause was especially to Jamaica and Dunkirk. Charles may have regarded this treaty as annulled by Philip's failure to aid in his restoration. At any rate, although on September 7, 1660, he proclaimed that hostilities with Spain had ceased from the date of his arrival in England,[4] yet, contrary to the treaty, he had already received the

[1] In his patent constituting a Council for Trade, Nov. 7, 1660, the King declared that he would recommend to his Privy Council and all his ministers of state "that in all treaties and leagues with forraigne Princes and allies the securitie and prosperitie of trade and commerce shall be tenderly considered and provided for". J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), III. 31.

[2] Doc. **35,** in vol. I. of this series.

[3] "7. Iten su Magestad de la Gran Bretaña promete y se obliga à que no consentirà que sus Subditos hagan nuevas plantaciones en las Indias Occidentales, ni en ellas ocupen Islas, ni Puestos en Tierra firme; y que harà restituir todo lo que Ingleses huvieren ocupado desde el año de mil seiscientos y treinta en adelante, assi en la America, como en otra qualquiera parte del mundo, y particularmente en el tiempo que ha gobernado Oliverio Cromwel con titulo de Protector." Abreu y Bertodano, *Colección de los Tratados de España: Reynado de Phelipe IV.*, pt. VI. (1751), pp. 307, 308. The treaty was signed at Brussels on Apr. 12, 1656, by the Conde de Fuensaldaña and D. Alonso de Cardenas on the part of Philip IV., and by the Marquis of Ormond and the Earl of Rochester on the part of Charles II. It was ratified by Philip on June 5, 1656. *Calendar of Clarendon State Papers,* III. 136.

[4] A copy of the proclamation is in the London P. R. O., Treaty Papers, no. 65. It declares "that there is as full and entire a peace and amity between us and . . . the King of Spain, as there was by the last treaty between our Father and our Brother", *i. e.,* the

Portuguese ambassador, and he listened to his offer of the hand of the Infanta Catherine.

Involved in a war of independence with Spain, and in a colonial war with the United Netherlands, Portugal stood in desperate need of England's support. The peace of the Pyrenees, concluded between France and Spain in 1659,[5] permitted the concentration of Spain's military forces against Portugal, and, if its terms were observed, would deprive Portugal of any further aid from France. At the Hague, moreover, the efforts of the Portuguese ambassador to negotiate a peace were blocked by the Dutch East and West India Companies, which hoped for further conquests from Portugal in the East Indies and for the recovery of Brazil. Threatened with the almost certain loss of her independence and colonies unless she secured an ally, Portugal made large offers to Charles. Besides a great sum of money as the Infanta's dowry, she proffered Tangier,[6] (later, Bombay), and that dominant position in the East India trade which she herself could not maintain against the Dutch. She also proposed to renew the very liberal treaty of 1654, which gave the English equal rights with the Portuguese in the trade of Brazil and other possessions that Portugal might have in America.[7] In return she desired Charles to aid her against Spain and the United Netherlands, to mediate a peace between her and the States General and the Dutch East and West India Companies, to refuse to surrender Dunkirk or Jamaica to Spain, and to go to war with Spain, if necessary for the preservation of Portugal.

The English merchants enthusiastically approved of Portugal's proposals and in September, 1660, the Commons passed a bill to annex Dunkirk and Jamaica to the crown. The king did not feel prepared to break with Spain. Philip IV. was making strenuous efforts to outbid Portugal, threatened war if the Portuguese match were concluded, and seems even to have agreed to renounce his claims to Dunkirk and Jamaica.[8] The Dutch also opposed the Portuguese match, and, despite England's remonstrances, persisted in equipping a fleet to be used against Portuguese possessions in the East Indies.

Louis XIV., on the other hand, determined to aid Portugal in violation of the treaty of the Pyrenees, and entrusted the matter to Fouquet. The superin-

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treaty of 1630. Whether the proclamation referred to America as well as to Europe was questioned. In February, 1661, the governor of Jamaica, D'Oyley, "acting under the instructions of the English Ambassador at Madrid, had published an order for the cessation of hostilities in the West Indies, though his council were of opinion that the proclamation only applied to Europe. The English government seemed to be of the same opinion". A few months later D'Oyley was succeeded by Lord Windsor, who appears to have been instructed to establish a trade with the Spanish Islands, "by force or otherwise". In 1662 an expedition was sent from Jamaica against Santiago. C. H. Firth, "The Capture of Santiago, in Cuba, by Captain Myngs, 1662", in *Eng. Hist. Review,* XIV. (1899) 536-540.

[5] The text is in H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893), I. 93-175.

[6] This place was considered valuable not only as a magazine for the Levant and a shelter from Mediterranean pirates, but also as "a port which would be used by the Spanish West India fleet homeward bound to Seville or Cadiz, in order to avoid the high duties imposed by the crown of Spain in its own ports". E. Routh, "English Occupation of Tangier", in *Transactions* of the Royal Historical Society, n. s., XIX. 61 ff. (1905).

[7] Doc. **45.**

[8] Santarem, *Quadro Elementar,* XVII. 153.

tendent's agent, La Bastide, arriving in England in the middle of March, 1661, offered Charles the secret assistance of France if he would wed the Infanta. He also suggested that the two governments keep one another informed of the negotiations that each was then carrying on with an embassy from the States General, and he pressed for the restoration of Canada.[9]

With Louis as an ally Charles dared openly offend Spain. In May, 1661, he communicated to Parliament his resolution to marry the Infanta,[10] and on June 23, the marriage articles, embodying Portugal's liberal offers, were signed. A secret article obligated the King of England to mediate a peace, favorable to England and Portugal, between Portugal and the United Provinces and the Dutch East and West India Companies, or, failing this, to defend Portugal's dominions and conquests.

Charles's hostility to the Dutch West India Company, and the use he would make of Portugal's friendship, were known to the States General; for their ambassadors had warned them [11] of the expedition that the English Company of Royal Adventurers in Africa (given a monopoly of the West African trade by King Charles) had sent, in December, 1660, against the Dutch Company's posts at Cape Verde and the Gambia.[12] Nevertheless, they accepted English mediation. Downing was appointed mediator. Reaching the Hague in mid-June, he strove to prevent the Dutch from securing from Portugal commercial advantages equal to those that she had given England in 1654.[13] While the province of Holland was bent on accepting the Portuguese terms, partly by reason of her unwillingness to offend England and France,[14] yet Guelders and Zeeland, on the other hand, because of their especial interest in the West India Company, were bitterly opposed to a peace that involved the loss of the territory of Brazil, though not of its trade. They demanded that the territory in Brazil and Africa taken from the company by Portugal be restored. Lacking their approval the treaty was signed on August 6, 1661.[15] It ruined the Dutch West India Company, whose destruction was soon completed by the loss of its African stations and of New Netherland.

Bibliography.

Text: MS. The ratification by Portugal of the secret article is in the London P. R. O., St. Pap. For., Treaties, no. 545.

Translation: English. George Chalmers, *Collection of Treaties between Great Britain and other Powers* (1790), II. 295, 296, and thence in de Castro, *op. cit.*, I. 255, 257. **Portuguese.** J. F. Borges de Castro, *Collecção dos Tratados de Portugal* (1856-1858), I. 254, 256; A. C. de Sousa, *Provas da Historia Genealogica da Casa Real Portugueza* (1735-1748), IV. 834-835.

[9] J. de Boislisle, *Mémoriaux du Conseil de 1661* (1905-1907), I. 39, 40, 42, 43, II. 325-327; *Clarendon State Papers*, vol. III., supplement, p. 1.

[10] *Parliamentary History of England*, vol. IV. (1808), col. 180.

[11] Japikse, pp. 164, 165.

[12] *Cf. Cal. St. Pap. Col.*, 1661-1668, p. 120. The best account that the editor has seen of conditions on the west coast of Africa at this time is in an unprinted history of the Royal African Co., by Professor, now President, George F. Zook.

[13] Doc. **45.**

[14] A. van Wicquefort, *Histoire des Provinces-Unies*, III. 66, 67.

[15] The text is in Borges de Castro, *Collecção dos Tratados*, I. 260-293.

References: Contemporary and early writings. Viscount de Santarem, *Quadro Elementar* (1842-1876), XVII. 124-130, 144-228; Great Britain, Hist. MSS. Comm., *J. M. Heathcote MSS.* (1899), pp. 16-30; *id., Fifth Report* (1876), *Sutherland MSS.*, pp. 156-160, 170, 171; T. H. Lister, *Life and Administration of Edward, First Earl of Clarendon* (1837-1838), III. 112 ff.; *Parliamentary History of England,* vol. IV. (1808), cols. 179-181, 189-191; *State Papers collected by Edward, Earl of Clarendon* (1767-1786), vol. III., suppl., pp. i-xiv; Dom Luiz de Menezes, Conde da Ericeira, *Historia de Portugal Restaurado* (third ed., 1751), tom. III., pt. II., liv. V., pp. 325-397, *passim*; L. van Aitzema, *Saken van Staet* (1669-1672), IV. 765 ff.; A. van Wicquefort, *Histoire des Provinces-Unies des Païs-Bas* (ed. 1861-1874), III. 43-45, 65-72; J. de Boislisle, *Mémoriaux du Conseil de 1661* (1905-1907), I., II., *passim.*

References: Later writings. F. R. Harris, *Life of Edward Mountagu, K. G., First Earl of Sandwich* (1912), I. 195 ff.; V. M. Shillington and A. B. W. Chapman, *Commercial Relations of England and Portugal* (1907), pp. 206-213; N. Japikse, *De Verwikkelingen tusschen de Republiek en Engeland van 1660-1665* (1900), pp. 90-92, 115-127; T. H. Lister, *op. cit.*, vol. II., ch. VI.

TEXT.[16]

Alfonsus Dei gratia rex Portugalliae et Algarbiorum citra et ultra mare in Africa, dominus Guineae atque adquisitionis, navigationis, et commercii Æthiopiae, Arabiae, Persiae, ac Indiae, etc. Notum facimus universis praesentes nostras literas patentes approbationis, ratihabitionis, et confirmationis visuris et inspecturis, quod vicesimo tertio die mensis Junii anni praesentis millesimi sexcentesimi sexagesimi primi, apud Palatium Aulae Albae, factus, innitus, et conclusus fuit articulus quidam secretus inter Franciscum de Mello, comitem de Ponte, a nostris conciliis belli et generalem tormentorum bellicorum in provintia Transtagana, nostrumque ad Serenissimum Carolum Secundum Magnae Britanniae etc. regem legatum extraordinarium, et admodum illustrissimos Eduardum comitem Clarendeni, summum Angliae cancellarium, Thoman comitem Southampthoniae, summum Angliae thesaurarium, Georgium ducem Albemarlae, equorum regis magistrum et exercituum in Magna Britannia et Hibernia capitaneum generalem, Jacobum ducem Ormondiae, domus regiae seneschallum, Eduardum comitem Mancestriae, domus regiae camerarium, Eduardum Nicholas, equitem auratum, unum, atque Guilielmum Morice, equitem auratum, alterum primariorum secretariorum regis, ex parte illius commissarios et deputatos, cujus tenor hic inseritur:

. . . . . .

Secretus Articulus. Supra omnia et singula quae pacta et conclusa sunt in tractatu de matrimonio inter Serenissimum et Potentissimum principem Carolum Secundum, Magnae Britanniae regem. et Serenissimam dominam Catharinam, infantam Portugalliae, hoc secreto articulo amplius conclusum et concordatum est:

Quod dictus Rex Magnae Britanniae summos conatus adibebit, totasque vires et facultates suas applicabit, quo bona et firma pax inter Serenissimum Portugalliae Regem et Ordines Generales Foederati Belgii conficiatur, dictumque Regem Portugalliae includet in tali confoederatione quam cum dictis Ordinibus inibit, qui si ejusmodi conditionibus quae justae, tutae, et honorificae pro dicto Rege Portugalliae esse possint concedere recusaverint, tunc

[16] The text is taken from the ratification of the marriage treaty and this article, in the London P. R. O., State Papers Foreign, Treaties, no. 545.

dictus Rex Magnae Britanniae, cum classem suam ad capiendam possessionem insulae et portus Bombaim miserit, tales ac tantas copias simul mittet quae satis instructae erunt, tam viribus quam mandatis, ad defendendum et protegendum Lusitanorum possessiones in Indiis Orientalibus; et si acciderit quod dicti Ordines Generales Foederati Belgii aut subditi eorum, intra vel post illud tempus quo Rex Magnae Britanniae mediationem suam dictis Ordinibus obtulit ad pacem faciendam inter ipsos et Regem Portugalliae dictique Ordines oblatam mediationem acceptarunt, vel jam ceperint vel posthac capturi sint ulla oppida et territoria a Rege Portugalliae, dictus Rex Magnae Britanniae efficaciter instabit ut restitutio omnium et singulorum dictorum oppidorum et territoriorum Regi Portugalliae fiat, summisque viribus suis conabitur ut similiter restituantur. Pro quibus singulis subsidiis et auxiliis Regi Portugalliae in praedictos fines praestitis Rex Magnae Britanniae nullam satisfactionem aut compensationem reposcet.

Item conventum et conclusum est, quod articulus praedictus et omne in eo contentum a dictis dominis Serenissimis Magnae Britanniae et Portugalliae Regibus, utriusque partis sigillo magno munitus, debita forma et authentica, infra tres menses proxime insequentes confirmabitur et ratihabebitur, mutuaque instrumenta infra praedictum tempus hinc inde extradentur. In cujus fidem et testimonium nos, commissarii Serenissimi domini Regis Magnae Britanniae, vi et vigore commissionis nostrae, praedictum articulum secretum manibus propriis subsignavimus et sigillis nostris munivimus. Actum apud Albam Aulam vicessimo tertio die Junii, anno millessimo sexcentissimo sexagesimo primo.

CLARENDON, C. T. SOUTHAMPTON. ALBEMARLE. ORMOND.
MANCHESTER. EDU. NICHOLAS. GUIL. MORICE.

Proinde praefactum articulum bene a nobis inspectum, omniaque et singula in ipso comprehensa, per praesentes nostras literas patentes approbamus, ratihabemus, et confirmamus, in cujus rei testimonium has literas manu propria signavimus, sigilloque nostro majori regio in cancellaria nostra ornari jussimus. Datum in curia et urbe nostra Ulyssiponensi die vigesimo octavo mensis Augusti. LUDOVICUS TEIXEIRA DE CARVALHO fecit, anno a nativitate Christi millesimo sexcentesimo sexagesimo primo. GASPAR DE FARIA SEVERIM a consiliis Sacrae Regiae Majestatis statusque ejus secretarius subscripsi.

LUDOVICA Regina.[17]

TRANSLATION.

We, Affonso, by the grace of God king of Portugal and of the Algarves this side the sea and beyond the sea in Africa, lord of Guinea and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, and India, etc., make known to all those who shall see and inspect our present letters patent of approval, ratification, and confirmation, that on the twenty-third day of June of the present year 1661, at the palace of Whitehall, a certain secret article was made, entered into, and concluded between Francisco de Mello, conde da Ponte, of our council of war, general of artillery in the province of Alemtejo, and our ambassador extraordinary to the Most Serene Charles the Second King of Great Britain, and the most illustrious Edward, earl of Clarendon, high chancellor of England, Thomas, earl of Southampton, high treasurer of England, George duke of Albemarle, master of the royal horse and captain general of the armies in Great Britain and Ireland, James duke of Ormonde, steward of the royal household, Edward earl of Manchester,

[17] Donha Luisa de Guzman, widow of João IV., acting as regent for her son Affonso VI.

chamberlain of the royal household, Edward Nicholas, knight, and William Morrice, knight, the two chief secretaries of the king, commissaries and deputies for his part, whereof the tenor is here inserted:

Secret article. Over and above the things, and each one of them, agreed and concluded in the treaty of marriage between the Most Serene and Most Potent prince Charles the Second, king of Great Britain, and the Most Serene lady Catharina, Infanta of Portugal, it is further concluded and agreed by this secret article,

That the said King of Great Britain shall do his utmost, and shall apply all his strength and powers, that a good and firm peace be made between the Most Serene King of Portugal and the States General of the United Netherlands, and shall include the said King of Portugal in the confederation which he shall make with the said States; but if the latter refuse to grant such conditions as may be just, secure, and honorable for the said King of Portugal, then the said King of Great Britain, when he sends his fleet to take possession of the island and port of Bombay, shall at the same time send such and so great forces as shall go sufficiently prepared in strength and in instructions to defend and protect the possessions of the Portuguese in the East Indies. And if it shall so happen that the said States General of the United Netherlands or their subjects, within or after the time in which the King of Great Britain offers his mediation to the said States to make peace between them and the King of Portugal, and the said States accept the mediation which is offered, shall have taken, or shall afterward take, any towns and territories from the King of Portugal, the said King of Great Britain shall effectively insist that restitution shall be made to the King of Portugal of all and every of the said towns and territories, and shall with its best forces endeavor that they be thus restored; and for all these succors and aids given to the King of Portugal for the said purposes the King of Great Britain shall not ask any satisfaction or compensation.

It was further agreed and concluded that the aforesaid article, and all that is contained therein, sealed by the said Most Serene kings of Great Britain and Portugal with their respective great seals, in correct and authentic form, shall be confirmed and ratified within the next three months following; and within the said period copies shall be exchanged on the one and the other part. In faith and testimony whereof, we, the commissioners of the Most Serene lord the King of Great Britain, in virtue and force of our commission have signed this secret article with our hands and sealed it with our seals. Done at Whitehall on the twenty-third day of June, in the year one thousand six hundred and sixty-one.

Clarendon, Chancellor. Southampton, Treasurer. Albemarle. Ormond. Manchester. Edw. Nicholas. Wm. Morrice.

Wherefore by your present letters patent we approve, ratify, and confirm the aforesaid article, well inspected by us, and all and singular what is therein contained. In testimony whereof we have signed these letters with our own hand, and have ordered them to be adorned with our royal great seal in our chancery. Given at our court and city of Lisbon on the twenty-eighth day of the month of August. Done by Luiz Teixeira de Carvalho, in the year of the nativity of Christ 1661. I, Gaspar de Faria Severim, counsellor of his Sacred Royal Majesty, and his secretary of state, have subscribed.

Luisa, Queen.

51.

Treaty of friendship and commerce between Great Britain and Sweden, concluded at Whitehall, October 21, 1661, O. S. Ratification by Charles II., April 15, 1662.

Introduction.

In the early autumn of 1661 the Swedish regency acting in the minority of Charles XI. sent Count Brahe as ambassador extraordinary to England to congratulate Charles II. on his accession, and to sign a treaty of mutual friendship and commerce. Three weeks after Brahe's arrival the treaty was concluded.[1] Its terms had been previously settled by the Swedish envoy, J. F. von Friesendorff,[2] and the English commissioners. They were almost identical with those of the treaty of 1654 [3] and the supplementary treaty of 1656,[4] but omitted the provisions for licensing subjects of the Swedish king to trade in America.[5]

The first article of the treaty of 1661, like that of the treaty of 1654, expressly extended the mutual pledge of peace and amity to the colonies, where the friendly relations existing between Great Britain and Sweden already caused anxiety to the Dutch. After Stuyvesant's conquest of New Sweden in 1655, the Dutch officials, who lived in perpetual dread of an attack from New England, Virginia, or Maryland, feared that the Swedes might join with the English against them. In 1659, when agents of Lord Baltimore advanced a claim to the entire South River, Stuyvesant wrote to the directors of the Dutch West India Company that "he was not without suspicion that if the alliance between Sweden and England and the difficulties with our State should continue long, something may not be done under the Swedish flag and name against our State".[6]

After the Restoration and the confirmation of Lord Baltimore's charter by Charles II., fears for the safety of New Netherland continued, and the directors of the company urged Stuyvesant to keep the strictest watch until the Maryland boundary question should be settled between the Dutch envoys and the King of England.[7]

[1] On the arrival of the Swedish ambassador in London, Sept. 30, 1661, a contest for precedency took place between the French ambassador, D'Estrades, and the Spanish ambassador, Vatteville, which was witnessed by Pepys and fully described by John Evelyn, *Diary*, ed. Dobson (1906), II. 411-417; see also Jusserand, *A French Ambassador at the Court of Charles II.* (1892), pp. 17-32.

[2] Charles X. had sent Friesendorff to England in 1657 for the purpose of inducing Cromwell to aid him against the Danes and to dissuade the Dutch from helping them. G. Jones, *Diplomatic Relations between Cromwell and Charles X. Gustavus of Sweden* (1897), pp. 55 ff.

[3] Doc. **43.**

[4] Doc. **48.**

[5] They also omitted the provision for permitting Swedish subjects to fish on the English coast, and they added foodstuffs to the list of contraband articles.

[6] B. Fernow, *Documents relating to the History of the Dutch and Swedish Settlements on the Delaware River*, in *Docs. Col. Hist. N. Y.*, XII. 242, 250, 271.

[7] *Ibid.*, pp. 326, 347, 359.

Bibliography.

Text: MS. The original manuscript of the ratification by the King of Great Britain is in the Riksarkiv at Stockholm, Originaltraktater, England, no. 3.

Text: Printed. L. van Aitzema, *Saken van Staet,* IV. 832-835; J. Dumont, *Corps Diplomatique* (1726-1731), vol. VI., pt. II., pp. 384-387.

Translation: *British and Foreign State Papers,* I. (1841) 701-709; L. Hertslet, *Treaties and Conventions,* II. 324-333.

References: Later writings. F. F. Carlson, *Geschichte Schwedens,* IV. (1855) 418.

Text.[8]

Cum Serenissimus ac Potentissimus princeps ac dominus, dominus Carolus Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei defensor etc. post nuperas regnorum suorum discordias divina benignitate feliciter compositas, regalem authoritatem suam animumque eo adjecerit, ut externa quoque foedera temporum iniquitate collapsa denuo restitueret ac redintegraret, et imprimis cupiens ut pristina amicitia inter coronas Britannicam et Suecicam non tantum stabiliretur, sed novis etiam incrementis ad majores utriusque regni utilitates confirmaretur, cumque Serenissimus ac Potentissimus princeps ac dominus, dominus Carolus Dei gratia Suecorum, Gothorum, Vandalorumque rex, et princeps haereditarius, magnus princeps Finlandiae, dux Schaniae, Esthoniae, Livoniae, Careliae, Brehmae, Verdae, Stetini, Pomeraniae, Cassubiae, et Vandaliae, princeps Rugiae, dominus Ingriae et Wismariae, nec non comes palatinus Rheni, Bavariae, Juliaci, Cliviae, et Montium dux, eodem studio et desiderio permotus plenipotentiarios suos ad Sacram Regiam Majestatem Magnae Britanniae miserit, ut solenni gratulationis officio perfuncti praedictae amicitiae fundamenta per mutui foederis tabulas ponerent ad seros posteros duratura; sua Sacra Regia Majestas Magnae Britanniae nominavit ac constituit deputatos sive commissarios suos illustrissimos ac honoratissimos virōs e sanctiori consilio suo dominum Thomam comitem de Southampton, summum Angliae thesaurarium, dominum Johannem baronem Robartes custodem privati sigilli, dominum Edvardum comitem Mancestriae camerarium hospitii regii, dominum Georgium comitem Norvici capitaneum satellitii regii, dominum Arthurum comitem de Angleseii, dominum Fridericum baronem Cornwallis thesaurarium hospitii regii, dominum Anthonium baronem Ashley cancellarium scaccarii regii, dominum Georgium Carteret equitem auratum et baronettum, vice-camerarium hospitii regii, Edvardum Nicholas equitem auratum, unum, et Guilielmum Morice equitem auratum primariorum regis secretariorum alterum, ut sermones haberent et tractatum concluderent cum illustrissimo atque excellentissimo domino Nicolao Brahe Sacrae Regiae Majestatis et regni Sueciae senatore, admiralio et collegii admiralitatis consiliario, comite in Wisingsburg, l. barone de Cajana, domino de Ridboholm et Sessuegen, Sacrae Regiae Majestatis Sueciae legato extraordinario ad Sacram Regiam Majestatem Magnae Britanniae, et cum perillustri ac nobilissimo domino Johanne Friderico de Frisendorfe domino in Heerdicke et Kyrup etc. eiusdem Sacrae Regiae Majestatis Sueciae consiliario status, et ad Sacram Regiam Majestatem Angliae ablegato extraordinario. Supradicti igitur Sacrae Regiae Majestatis Magnae Britanniae deputati sive commissarii cum praenominatis Sacrae Regiae Majestatis Sueciae plenipotentiariis congressi, habitis ultro citroque variis consultationibus, tandem Divino Numine consiliis et conatibus eorum obsecundante, in sequentes articulos dare, perspicue et firmiter cum ipsis convenerunt.

[8] The text is from the original manuscript of the ratification by Charles II., preserved in the Riksarkiv at Stockholm.

[1.] Inprimis conclusum et concordatum est, quod inter Sacram Regiam Majestatem Magnae Britanniae ab una, et Sacram Regiam Majestatem Sueciae ab altera parte, atque universa et singula utriusque regna, ditiones, regiones, provincias, insulas, terras, colonias, urbes, oppida, populos, cives, incolas, et omnes omnino subditos et inhabitantes, bona inposterum, sincera, firma, atque perpetua sit maneatque pax, amicitia, benevolentia, et correspondentia, adeo ut pars utraque amore et affectu integerrimo se invicem complectatur.

. . . . . .

In quorum omnium et singulorum fidem majusque robur praesens tractatus ab altissime memoratae Sacrae Regiae Majestatis Magnae Britanniae commissariis, aut a majore parte eorum, subscriptus sigillorumque impressione munitus fuit. Actum apud palatium Aulae Albae vicesimo primo die mensis Octobris, anno Domini millesimo sexcentesimo sexagesimo primo.

Nos igitur Carolus Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor etc. superius expressos et foederis instrumento insertos articulos, tanquam ad mandata nostra confectos, in omnibus suis clausulis laudavimus, approbavimus, et ratihabuimus, quemadmodum vigore harum eosdem laudamus, approbamus, et omni meliori modo ratihabemus, spondentes nostro nec non successorum nostrorum nomine, ac verbo regio, nos inviolabiliter et bona fide eos servaturos et impleturos, nec passuros esse ut a nostratibus aut aliis quibuscunque ullo modo violentur. In quorum fidem majorem his praesentibus manu propria subscriptis magnum nostrum Angliae sigillum apponi fecimus. Actum apud palatium nostrum de Whitehall decimo quinto die Aprilis, anno Domini millesimo sexcentesimo sexagesimo primo.

Carolus R.

Translation.

Whereas the Most Serene and Most Potent prince and lord, lord Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., after the recent discords of his kingdoms were, by the divine favor, happily composed, has directed his royal authority and attention to restoring and renewing the foreign treaties, lapsed by reason of the iniquity of the times, and especially has desired that the pristine friendship between the British and Swedish crowns should not only be established but should even be further confirmed by new additions for the greater advantage of both kingdoms; and whereas the Most Serene and Most Potent prince and lord, lord Charles, by the grace of God, king and hereditary prince of the Swedes, Goths, and Vandals, great prince of Finland, duke of Scania, Esthonia, Livonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, also count palatine of the Rhine, duke of Bavaria, Jülich, Cleves, and Berg, moved by the same intention and desire, has sent his plenipotentiaries to his Sacred Royal Majesty of Great Britain, in order that, having performed the solemn ceremony of congratulation, they might by means of a recorded alliance lay foundations of the aforesaid friendship that should endure to remote posterity, His Sacred Royal Majesty of Great Britain has named and constituted as his deputies or commissioners the very illustrious men, members of his Privy Council, the lord Thomas, earl of Southampton, lord high treasurer, lord John, baron Robartes, keeper of the privy seal, lord Edward, earl of Manchester, chamberlain of the royal household, Lord George, earl of Norwich, captain of the king's guard, lord Arthur, earl of Anglesey, lord Frederick, baron Cornwallis, treasurer of the royal

household, lord Anthony, baron Ashley,[9] chancellor of the exchequer, Sir George Carteret, knight baronet, vice-chamberlain of the royal household, Sir Edward Nicholas, knight, and Sir William Morice, knight, the king's two principal secretaries, that they may confer and conclude a treaty with the most illustrious and most excellent lord, Nicholas Brahe, senator, admiral, and counsellor of the College of Admiralty of his Sacred Royal Majesty and of the kingdom of Sweden, count of Visingsborg, lord baron of Kajana, lord of Rydboholm and Sesswegen, ambassador extraordinary of his Sacred Royal Majesty of Sweden to his Sacred Royal Majesty of Great Britain, and with the very illustrious and very noble lord, Johan Fredrik von Friesendorf, lord in Heeredyk and Kyrup, etc., counsellor of state of his Sacred Royal Majesty of Sweden and ambassador extraordinary to his Sacred Royal Majesty of England. Accordingly the aforesaid deputies or commissioners of his Sacred Royal Majesty of Great Britain have met with the above-named plenipotentiaries of his Sacred Royal Majesty of Sweden, and after various consultations had been held on both sides, at length, by the divine favor, they have agreed with them clearly and firmly upon the following articles:

[1.]First, it is concluded and accorded, that there shall be and remain henceforth a good, sincere, firm, and perpetual peace, amity, good will, and correspondence between his Sacred Royal Majesty of Great Britain on the one part, and his Sacred Royal Majesty of Sweden on the other part, and all and singular their kingdoms, dominions, countries, provinces, islands, lands, colonies, cities, towns, peoples, citizens, residents, and in general all their subjects and inhabitants; so that each part shall treat the other with the most complete friendship and affection.

. . . . . .

In pledge and greater confirmation of these premises, all and singular, the present treaty has been signed by the commissioners of his aforesaid most exalted Sacred Royal Majesty of Great Britain, or by the greater part of them, and supported with the impression of their seals. Done at the palace of Whitehall, on the twenty-first day of October, in the year of our Lord 1661.

We, therefore, Charles, by the grace of God, king of Great Britain, France, and Ireland, Defender of the Faith, etc., have commended, approved, and ratified in all their clauses the articles above expressed and inserted in the instrument of the treaty, as drawn in conformity with our commands, as by virtue of these presents we do commend, approve, and in the best manner ratify them, promising in our own name and in that of our successors and on our royal word that we will observe and perform them inviolably and in good faith and will not allow them to be violated in any way by our people or by any others whatsoever. For the greater faith of which we have caused our great seal of England to be affixed to these presents, signed with our own hand. Done at our palace of Whitehall, on the fifteenth day of April, in the year of our Lord 1662.

CHARLES, King.

[9] Anthony Ashley Cooper, created Earl of Shaftesbury in 1672.

52.

Treaty of alliance, commerce, and navigation between the United Netherlands and France, concluded at Paris, April 27, 1662, N. S. Ratification by the States General, July 18, 1662.

INTRODUCTION.

In the spring of 1660, the States General of the United Provinces determined to send embassies to France and England to negotiate a triple defensive alliance, or failing that, an alliance with each power separately, and to conclude with each government articles of trade and navigation. They were alarmed by the efforts of the French superintendent of finances, Fouquet, to stimulate French trade, shipping, and colonial enterprises, at the expense of the United Netherlands. Since most of the ships used in French commerce were Dutch, Fouquet's edict of June, 1659, imposing a tax of 50 sous per ton on all foreign ships entering and leaving French ports was especially obnoxious. Contrary to their interests also were his creation of a Company of the North, exclusively privileged to import whale-oil and whalebone into France, and his project of a commercial company that should take from the Dutch their commerce with the West Indies.[1]

Near the end of the year 1660 the Dutch ambassadors extraordinary, Conrad van Beuningen of Amsterdam, John van Ghent of Guelders, and Justus de Huybert of Zeeland, arrived at Paris, where the resident ambassador, W. Boreel, concurred with them in treating with the French commissioners, Marshal Villeroy, Le Tellier, Hugues de Lionne, the Counts de Brienne, and later Colbert and Seguier.[2] Owing to Mazarin's illness, which terminated in his death on March 9, 1661, negotiations were delayed. The matters most difficult of adjustment were connected with the Dutch demands for the abolition of the tonnage tax and of the exclusive privileges of the whaling company, and for the reciprocal guaranty of each other's navigation and fishing rights and territorial possessions *in Europe*. The Dutch desired to limit to Europe also the promise of mutual freedom of commerce and navigation.[3]

The French, on the other hand, demanded that the freedom of the ports should be extended to all parts of the world;[4] that "all subjects of the king

[1] F. V. D. de Forbonnais, *Recherches et Considérations sur les Finances de France* (1758), II. 120, 121; G. Marcel, "Le Surintendant Fouquet, Vice-roi d'Amérique", in *Revue de Géographie*, XVI. 131-142 (1885); S. L. Mims, *Colbert's West India Policy* (1912), pp. 52, 53.

[2] Fouquet was arrested Sept. 5, 1661. Like his successor, Colbert, and like Lionne, he was hostile to the United Netherlands, to which the two Comtes de Brienne, Seguier, and Le Tellier were friendly. Boislisle, *Mémoriaux du Conseil de 1661*, I. xlvii.

[3] The instructions to the Dutch ambassadors are in Aitzema, *Saken van Staet*, IV. 720 ff.; *Secrete Resolutien*, II. 202 ff.

[4] Boislisle, *Mémoriaux du Conseil de 1661*, II. 19.

should have freedom of commerce, and their vessels free and favorable reception in all the ports, harbors, and roadsteads belonging to the States in the East and West Indies ".[5]

Some three months later, in September, 1661, Van Beuningen wrote De Witt that the French would not contend for the desired privilege except in a modified form, viz., that subjects of both powers might provide themselves with necessaries in each other's ports outside Europe. Any concession from the Dutch East India Company would be very acceptable to them, but in case it were not forthcoming he did not think that negotiations would be blocked.[6]

The treaty, as concluded on April 27, 1662, stipulated peace between the two powers within and without Europe, but confined to Europe the mutual guaranty of each other's territories, rights, and liberties, enjoyed by virtue of treaties or of common law, including liberty of commerce, navigation, and fishing. It exempted Dutch ships from paying the tonnage tax on leaving (but not on entering) French ports;[7] and preserved the French whaling company's monopoly. The duration of the treaty was fixed at twenty-five years.

Bibliography.

Text: MS. The original manuscript of the ratification by the United Netherlands is in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

Text: Printed. F. Leonard, *Recueil des Traitez de Paix* (1693), V.; L. van Aitzema, *Saken van Staet* (1669-1672), IV. 863-871; J. Dumont, *Corps Diplomatique* (1726-1731), vol. VI., pt. II., pp. 412-419; Comte d'Estrades, *Lettres, Mémoires, et Négociations* (1743), II. 1-28.

References: Contemporary and early writings. J. de Witt, *Brieven, 1652-1669* (1723-1725), I. 327-531; in French translation, *Lettres et Négociations* (1725), II. 1-412; *Secrete Resolutien van de . . . Staten van Holland en Westvriesland, 1653-1668* (1717), II., *passim*; J. de Boislisle, *Mémoriaux du Conseil de 1661* (Société de l'Histoire de France, 1905-1907), I.-III., *passim*; L. van Aitzema, *op. cit.*, IV. 689-691, 699, 700, 720-729, 735-742, 851, 862-887; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), II. 683, 684, III. 2-23; *Mémoires du Comte de Brienne,* in Michaud and Poujoulat, *Nouvelle Collection des Mémoires* (1836-1839), troisième sér., III. 159 ff.; J. Basnage, *Annales des Provinces-Unies* (1726), I. 620, 621, 637, 638, 642-644, 650-652; C. J. Haje, *De Geheime Correspondentie van A. de Wicquefort* (the Hague, 1901).

References: Later writings. P. de Ségur-Dupeyron, *Histoire des Négociationes Commerciales et Maritimes du Règne de Louis XIV.* (1863-), I. 1-55; G. A. Lefèvre-Pontalis, *John de Witt* (1885), I. 271-277; J. de Boislisle, *op. cit.*, I. xlvi-xlix; E. C. Molsbergen, *Frankrijk en de Republick der Vereenigde Nederlanden, 1648-1662* (Rotterdam, 1902), pp. 194-211.

[5] Boislisle, *Memoriaux,* II. 20.

[6] De Witt, *Brieven,* I. 426, 428, 429; *Lettres,* II. 170, 171, 174, 175; *Secrete Resolutien,* II. 327; Aitzema, *op. cit.*, IV. 737, 745.

[7] This provision is contained in a separate article. Dumont, *op. cit.*, vol. VI., pt. II., pp. 418, 419.

TEXT.[8]

Les Estats Generaux des Provinces Unies du Pais Bas, A tous ceux qui ces presentes verront, salut. Comme ainsy soit, que le xxvii[e] jour d'Avril dernier, un traicté de renouvellement d'alliance ayt este faict et accordé a Paris, entre les sieurs commissaires du Serenissime Roy de France et de Navarre au nom de sa Majesté et ses royaumes, et les sieurs nos ambassadeurs extraordinaires et ordinaire, a ce commis et authorisez en nostre nom, et de nostre estat, et que quelques declarations particulieres ayant esté données sur quelques articles dudit traicte, dont la teneur s'ensuit:

L'affection que le Roy tres Chretien a tousjours eue pour le bien et la prosperité de l'Estat des Provinces Unies des Pays Bas, suivant l'exemple des roys ses predecesseurs et la passion que les Seigneurs Estats Generaux desdites provinces ont tousjours conservée pour la grandeur de la France avec des sentimens de reconnoissance pour les obligations et les avantages considerables qu'ils ont recues, ont maintenu de telle sorte la bonne intelligence entre sa Majesté et lesdits Seigneurs Estats, et une si libre et parfaite correspondance entre leurs subjects depuis plusieurs années que l'on pouvoit esperer qu'elle se continueroit d'elle mesme, sans qu'il fust besoin de confirmer les precedentes confederations par aucun nouveau traitté. Neantmoins comme sa Majesté ne veut rien obmettre de ce qui peut affermir et perpetuer cette ancienne liaison, et que lesdits Seigneurs Estats Generaux souhaitent de la rendre plus estroicte, ayans a cette fin recherché sadite Majesté par leurs ambassadeurs extraordinaires d'un renouvellement d'alliance pour la manutention de la paix, qu'elle et lesdits Seigneurs Estats ont a present avec tous les potentats et estats de l'Europe, et pour regler les interests des particuliers subjects de part et d'autre au faict du commerce, navigation, et marine, par des loix et des conventions les plus propres a prevenir tous les inconveniens qui pourroient alterer la bonne correspondance, les Seigneurs Jean baron de Gent, seigneur d'Osterweede, lieutenant des fiefs et primat du pays de Fauquemont; Conrad de Beuningen, conseiller de la ville d'Amsterdam; Juste de Huybert, conseiller et pensionnaire de la ville de Ziericzee, et Guillaume Boreel, chevalier, baron de Urenhove, Urendic, seigneur de Steelant, Duinbeke, et Pereboom, etc., ambassadeurs extraordinaires desdits Seigneurs Estats des Provinces Unies Pays Bas, auroient a cet effet exhibé aux ministres de sa Majesté leurs pouvoirs dont la copie est cydessous inserée pour la negociation et conclusion de ladite alliance: Surquoy ayant plû à sa Majesté de nommer Messire Pierre de Seguier, comte de Gien, duc de Villemur, pair et chancelier de France, les seigneurs Nicolas de Neufville, duc de Villeroy, pair et mareschal de France, chevalier des ordres de sa Majesté, et chef du Conseil Royal des Finances, Henry Auguste de Lomenie, comte de Brienne et de Montbron, et Michiel ie Tellier, marquis de Louvoy, seigneur de Chaville, tous deux conseillers, ministres et secretaires d'estat, et des commandements de sa Majesté et commandeurs de ses ordres, Hugues de Lyonne, marquis de Fresne, seigneur de Berny, aussi conseiller et ministre d'estat, et commandeur desdits ordres, et Louis Henry de Lomenie, chevalier, comte de Brienne et baron de Pougy, aussi conseiller et secretaire d'estat et des commandemens de sa Majesté, et Jean Baptiste Colbert, conseiller de sa Majeste en tous les conseils, et intendant des finances, pour commissaires de sa part avec pouvoir, duquel ils ont representé l'original, et dont copie est cy-desous transcrite, pour conferer et traitter de ladite alliance,

[8] The text is taken from the ratification by the States General, preserved in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

et la conclurre avec lesdits seigneurs ambassadeurs, il a esté convenu et accordé entre lesdits seigneurs commissaires, au nom de sa Majesté d'une part, et lesdits seigneurs plenipotentiaires desdits Seigneurs Estats Generaux d'autre, ce qui ensuit.

1. Il y aura a l'avenir entre le roy et ses successeurs roys de France et de Navarre et ses royaumes d'une part, et les Seigneurs Estats Generaux des Provinces Unies des Pays Bas, d'autre, et leurs estats et terres appartenantes, et leurs subjects reciproquement une sincere, ferme, et perpetuelle amitié et bonne correspondance, tant par mer que par terre, en tout et par tout, tant dehors que dedans l'Europe.

2. De plus il y aura entre sa Majesté et ses successeurs roys de France et ses royaumes, et lesdits Seigneurs Estats Generaux et leurs estats et terres appartenantes, une alliance estroicte et fidelle confederation, pour se maintenir et se conserver mutuellement l'un l'autre en la tranquillité, paix, amitié, et neutralité, par mer et par terre, et en la possession de tous les droicts, franchises, et libertez dont ils jouissent ou ont droit de jouir, ou qui leur sont acquis, ou qu'ils acquerront par les traittez de paix, d'amitié et neutralité qui ont esté fait cy-devant, et qui seront faict cy-apres conjoinctement et de commun concert avec des autres roys, republiques, princes, et villes; le tout pourtant dans l'estendue de l'Europe seulement.

3. Et ainsi ils promettent et s'obligent de se guarantir l'un l'autre, non seulement tous les traittez, que sa Majesté et lesdits Seigneurs Estats Generaux ont desja faict avec d'autres roys, republiques, princes, et estats, lesquels seront exhibez de part et d'autre avant l'eschange des ratifications, mais aussy tous ceux qu'ils pourront faire cy-apres conjoinctement et de commun concert, et de se defendre, assister, et conserver reciproquement dans la possession des terres, villes, et places qui appartiennent presentement et qui appartiendront cy-apres tant a sa Majesté et ses successeurs roys de France, qu'auxdits Seigneurs Estats Generaux par lesdits traittez, ou dans lesquelles lesdits Estats Generaux ont leurs guarnisons, en quelque endroit de l'Europe que lesdites terres, villes, et places soient situées; en cas qu'en tout ce que dessus sa Majesté ou lesdits Seigneurs Estats Generaux viennent a estre troublez ou attaquez par quelque hostilité ou guerre ouverte.

4. L'obligation reciproque de s'entr'ayder et defendre s'entend aussy pour estre sa Majesté et lesdits Seigneurs Estats Generaux, leurs pays et subjects, conservez et maintenus en tous leurs droicts, possessions, immunitez, et libertez tant de navigation que de commerce et pesche, et autres quelconques, par mer et par terre, qui se trouveront leur appartenir par le droit commun, ou estre acquis par des traitez faicts ou a faire en la maniere susdicte envers et contre tous roys, princes, republiques, ou autres estats souverains; en sorte que si au prejudice de ladite tranquillité, paix, amitié, et neutralité presente ou future, sa Majesté ou lesdits Seigneurs Estats Generaux viennent a estre cy-apres attaquez ou en quelqu' autre sorte que ce soit troublez en la possession et jouissance des estats, terres, villes, places, droits, immunitez, et libertez de commerce, navigation, pesche ou autres quelconques, dont sa Majesté ou lesdits Seigneurs Estats Generaux jouissent presentement ou auront droict de jouir, ou par le droict commun, ou par les traittez desja faits, ou qui pourront estre faicts comme dessus: sa Majesté et lesdits Seigneurs Estats Generaux en estans advertis et requis, l'un par l'autre, feront conjoinctement tout leur possible pour faire cesser le trouble ou hostilité, et reparer les torts ou injures qui auront esté faicte a l'un des alliez.

5. Et en cas que ladite attaque ou trouble soit suivye d'une rupture ouverte, celuy des deux alliez qui ne sera pas attaqué, sera obligé de rompre quatre mois

aprez la premiere requisition de celuy d'entr'eux qui sera desja en rupture, durant lequel temps il fera tous devoirs par ses ambassadeurs ou autres ministres pour moyenner un accommodement equitable, entre l'aggresseur ou turbateur, et l'attaqué ou troublé, et neantmoins donnera pendant ledit temps un puissant secours à son allié tel qu'il en sera convenu par des articles, separez entre sa Majesté et lesdits Seigneurs Estats Generaux. Lesquels, bien qu'il n'en soit fait aucune mention au present traitté, seront tenus et observez comme s'ils y estoient inserez ou escrits. Demeurant touttefois apres ledit temps de quatre mois expiré au choix de celuy des alliez qui sera en rupture, de continuer a jouir du fruict du mesme secours au cas que la conjoincture du temps et la constitution de ses affaires luy en fist preferer l'effect a celuy de la rupture ouverte de son allié.

. . . . . .

19. Les subjects et habitans des pays de l'obeissance de sa Majesté et desdits Seigneurs Estats Generaux vivront, converseront, et frequenteront les uns avec les autres en toutte bonne amitié et correspondance et jouiront entr' eux de la liberté du commerce et navigation dans l'Europe en touttes les limites des estats de l'un et de l'autre de touttes sortes de marchandises et denrées dont le commerce et le transport n'est deffendu generallement et universellement a tous tant subjects qu'estrangers par les loix et ordonnances des estats de l'un et de l'autre.

. . . . . .

50. Et afin que tant sadite Majesté que lesdits Seigneurs Estats Generaux puissent estre entierement asseurez de l'effet et de l'execution reelle et vigoureuse de la presente confederation, ils declarent qu'ils n'ont point de traittez ny conventions, contraires a cette confederation, qui les puissent empescher en aucune maniere d'executer de bonne foy ce present traitté en tous ses poincts et articles.

51. Le present traitté tant d'alliance que de commerce, navigation, et marine durera vingt cinq ans a commencer du jour de la signature; bien entendu neantmoins que, si d'avanture on estoit entré dans la prestation actuelle de la garantie, par rupture ou assistance en faveur de son allié en vertu de ce traitté, avant l'expiration desdits vingt cinq ans, le traitté continuera et subsistera dans sa force et vigueur en tous ses poincts jusques a ce qu'on sera sorty de la guerre en la maniere cy-dessus specifiee.

52. Les ratiffications de ce traitté seront données en bonne forme et eschangées de part et d'autre dans l'espace de trois mois, a compter du jour de la signature.

. . . . . .

En foy de quoy nous commissaires et ambassadeurs susdits, en vertu de nos pourvoirs respectifs, avons esdits noms signé ces presentes de nos seings ordinaires et a icelles apposez les cachets de nos armes. A Paris le vingt septiesme d'Avril, l'an mille six cents soixante deux. Signé

SEGUIER.
VILLEROY.
DE LOMENIE.
DE TELLIER.
DE LIONNE.
DE LOMENIE.
COLBERT.

J. DE GENT.
C. VAN BEUNINGEN.
J. DE HUYBERT.
G. BOREEL.

Nous ayans ledit traitté aggreable en tous et chacuns ses poincts avec lesdittes declarations, avons iceux poincts en general et en particulier et icelles declarations accepté, approuvé, ratifié et confirmé, les acceptons, approuvons, ratifions, et confirmons par ces presentes, promettans les garder, entretenir, et observer inviolablement sans aller ny venir au contraire, directement ou indirectement, en quelque sorte et maniere que ce soit, soubs l'obligation et hypotheque de tous les biens et revenus desdittes Provinces Unies en general et en particulier, presens et advenir. En tesmoing de quoy nous avons faict sceler ces presentes de nostre grand seel, parapher par nostre president et signer par nostre greffier. A la Haye le dixhuitiesme Juillet, mille six cens soixante deux.

M. Stabenisse v[idi]t.

Par ordonnance desdits
Seigneurs Estats Generaux.

N. Ruysch.

53.

Treaty of friendship between Great Britain and the United Netherlands, concluded at Whitehall, September 4/14, 1662. Ratification by Charles II., December 24, 1662/January 3, 1663.

Introduction.

The treaty concluded between the United Netherlands and Great Britain in 1654 [1] by no means terminated the disputes between the two nations. During the remaining years of the Protectorate, the Dutch ambassador in London, Nieupoort, continued his attempts to persuade the English government to adopt a commercial policy favorable to Dutch trade and navigation. In particular he urged the repeal of the Navigation Act and the making of a marine treaty advantageous to neutral commerce. His efforts were fruitless. Relations between the two countries became more and more embittered by mutual seizures of each other's vessels.[2] The English were especially irritated by the action of the Dutch East India Company, which in 1658 took three English ships trading to the East Indies; but in February, 1659, representatives of both governments signed an agreement providing for compensation by the Dutch Company and the consequent extinguishment of all English claims against it, and for reciprocal amity between the two nations "tant aux Indes Orientales qu'ailleurs dedans et dehors l'Europe".[3]

Soon after the restoration of Charles II., the States General resolved to send an embassy to England to negotiate a defensive alliance and articles of trade and navigation.[4] The ambassadors were two able Hollanders—Louis of Nassau, lord of Beverweert, whose daughter married a son of the Marquis of Ormonde, and Simon van Hoorn, burgomaster of Amsterdam and confidant of De Witt, Michael van Gogh, a Zeelander, and Joachim Ripperda of Groningen. Beverweert landed in England on July 1, 1660; his colleagues, who waited for the completing of their instructions, not until the first of November, after the British Parliament had renewed the Act of Navigation,[5] despite the opposition of the Dutch,[6] and to their alarm.[7]

The instructions [8] included the *projet* of a treaty with articles of alliance similar to those in the instructions of the Dutch ambassadors to France; [9] articles on trade, based on the principle of commercial freedom, embodied in

[1] Doc. **42.**
[2] R. C. H. Catterall, "Anglo-Dutch Relations, 1654-1660", in *Annual Report* of the American Historical Association for 1910 (1912), pp. 103-121.
[3] The text of the agreement is in Aitzema, *Saken van Staet*, IV. 504.
[4] Cf. Doc. **52,** introduction.
[5] 12 Car. II. c. 18. The text is in *Statutes of the Realm*, V. 246.
[6] Japikse, *De Republiek en Engeland*, p. 77.
[7] *Brieven*, IV. 30, 33, 37; Japikse, *op. cit.*, app., p. ii.
[8] In Aitzema, *op. cit.*, IV. 605-612.
[9] See above, p. 67.

the Magnus Intercursus of 1495;[10] and articles on navigation, resembling those of the Dutch-Spanish marine treaty of 1650.[11] Among the stipulations were mutual friendship within and also without Europe (art. 1); a defensive alliance with mutual guaranty of each other's lands in Europe only (art. 2); reciprocal freedom of trade (also restricted to their European territories); and equal tolls for subjects of the two powers in the territory of either—provisions which implied the repeal of the Navigation Act (arts. 8 and 9). Additional instructions based on a memorial of the Dutch West India Company, of November 5, 1660, were "to terminate and determine according to equity with the [King of England], the differences which have arisen respecting the division of boundary, etc., between the English and the Dutch in New Netherland".[12]

In December negotiations began. The English commissioners—George Monk, duke of Albemarle, the Earl of Manchester, lord chamberlain of the household, Lord Robartes, the comptroller, Sir Charles Berkeley, Secretaries Nicholas and Morrice, Arthur Annesley viscount Valentia, Anthony Ashley Cooper, and the Marquis of Ormonde[13]—opposed various objections to the Dutch *projet*. Like the French commissioners for the treaty with the Netherlands[14] they queried why the defensive alliance called for in the second article should be restricted to Europe, whereas the first article referred to possessions outside Europe as well. With regard to the provisions conflicting with the Navigation Act, they urged that the Act could be repealed only by Parliament, and that as the States endured the Act in the time of Cromwell, so must they in the time of Charles.[15] They refused as firmly as in 1654 the demands respecting navigation, and the proposals for free fishing on the English coast;[16] and they supported claims of the English East India Company against the Dutch East India Company, most of which the Dutch regarded as settled by the treaties of 1654 and 1659.

They proposed an article providing, *inter alia,* for free commerce between the two peoples in all their lands, *including their colonies,* "wherein there previously was, or now is, trade", but "saving the laws and statutes of both countries"—meaning of course the Navigation Act![17] The Dutch were ready

[10] The text is in Rymer, *Foedera,* XII. 578-591.

[11] Japikse, *op. cit.,* p. 61. The text of the treaty of 1650 is in Dumont, *Corps Diplomatique,* vol. VI., pt. I., p. 570.

[12] J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), II. 164.

[13] The ambassadors to the States General, Dec. 3/13, 1660. British Museum, Add. MSS. 17677, X, f. 585.

[14] Cf. Doc. **52,** introduction.

[15] Japikse, *op. cit.,* pp. 80-82; B. M., Add. MSS. 17677, Y.

[16] T. W. Fulton, *The Sovereignty of the Sea* (1911), p. 451.

[17] . . . "item uti inter dictum Regem et dictos Ordines eorumve populos incolasve, tam per terram quam per mare, flumina, et aquas dulces, in omnibus et singulis regionibus, terris, dominiis, territoriis, provinciis, insulis, coloniis, urbibus, oppidis, pagis, portubus, et finibus sit liberum commercium, quibus in locis commercium aut antea fuit aut nunc est; ita ut absque ullo salvo conductu aliaque licentia generali vel speciali, tam per terras quam per mare, flumina et aquas dulces, populus subjecti incolaeque alterutrius possint in praedicta dominia et regna omnesque eorum urbes, oppida, portus, littora, sinus, locaque venire, intrare, et navigare et cum plaustris, equis, sarimis, navigiis, onustis quam

to accept this article provided the English would agree to certain of their demands respecting trade, navigation, and the fishery,[18] and would strike out the contradictory saving clause. But they objected to extending the mutual guaranty to the colonies on the pretext of their remoteness, but doubtless because they did not wish to have interests in common with the English in the East Indies, where the Dutch Company was able to protect itself.[19] They were indignant at the English for presenting a draft of thirteen articles relative to the East India trade, stipulating that the demands of the English East India Company upon the Dutch Company should be satisfied as a prerequisite to a treaty of alliance.[20] By midsummer of 1661 it was clear that an alliance could not be agreed on. The aim of the negotiations was therefore shifted to a simple treaty of friendship, for which the English produced a *projet* almost entirely made up of articles from Cromwell's treaty of 1654,[21] except for a new article requiring the surrender of Pulo Run in accordance with the treaty of 1623, and the appointment of commissioners to adjust the pretensions of the English East India Company.[22] Thereafter the chief points of difference related to the commissioners. De Witt wished to leave to the commissioners only questions that could not be settled by agreement, and that involved the state—such as those concerning Amboyna, Pulo Run, and the boundaries of New Netherland. The Dutch also urged that claims should be made only for damages or losses sustained since 1659. The English accepted this date as the *terminus a quo* for claims originating east of the Cape of Good Hope, but insisted that for the region west of that Cape, the *terminus a quo* should be 1654. After the Dutch had conceded this point, the English insisted on excepting two ships—the *Bonaventure* and the *Bona Esperanza*—from the general annulment of claims prior to 1654. Again the Dutch yielded. The treaty was signed in London on September 4/14, 1662.

During the long course of the negotiations various events, such as Charles II.'s treaty of marriage with the Infanta of Portugal;[23] his interference with the Dutch East India Company's preparations for attacking the Portuguese in the East;[24] his charter to the Company of Adventurers in Africa;[25] and his treaty with Sweden,[26] revealed more and more clearly the opposition between English and Dutch policies respecting colonies and commerce.

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onerandis, merces importare, emere, vendere, in iisdem quantum voluerint, commeatum resque ad victum necessarias justo precio sibi parare, reficiendis navigiis et behiculis propriis vel conductis vel commodatis operam dare; atque inde cum bonis, mercibus, aliisque rebus quibuscunque cum eadem libertate discedere et ad patrias proprias vel alienas quomodocunque velint et sine impedimento exire, salvis tamen utriusque loci legibus et statutis omnibus." Japikse, *op. cit.*, app., p. v.

[18] *Secrete Resolutien*, II. 288, 289.

[19] The pretext of the Dutch is given *ibid.*, II. 282, 283, and in Aitzema, IV. 745; but *cf.* Wicquefort, *Histoire des Provinces-Unies*, III. 46, 47, and Japikse, *op. cit.*, p. 100.

[20] Japikse, *op. cit.*, app., pp. vi, vii.

[21] See above, Doc. **42.** Articles 2, 3, 4, 28, 29, and 30 were omitted. Japikse, *op. cit.*, p. 110, note 5.

[22] The provision regarding the commissioners resembled in principle that of article 30 of the treaty of 1654.

[23] Doc. **50.**

[24] Aitzema, IV. 748.

[25] Doc. **50,** note 12.

[26] Doc. **51.**

This opposition was coming to a clash in America, where the question of the limits of the English and Dutch settlements grew increasingly troublesome. English claims and encroachments in the upper Hudson region, on Long Island, and in the Dutch district on the Delaware, alarmed Stuyvesant and the West India Company. The Company had hoped that Charles II. might favor them, and they desired the Dutch negotiators in London to urge the king (1) to cause Lord Baltimore to desist from his pretensions at least until commissioners in England should agree on a boundary between Maryland and New Netherland; (2) to order restored to the Company the Connecticut river "and the lands on both sides thereof, together with a part of Long Island, unjustly usurped . . . by the English of the North"; (3) to make a boundary line between the said northern English and the Company; and (4) to renew the act of 1627 permitting mutual freedom of trade in the colonies in accordance with the treaty of Southampton.[27]

The British did not comply with any of these demands. Events proved that they preferred to safeguard their customs receipts and the monopoly of their colonial trade by absorbing New Netherland. But meanwhile the treaty of London served to allay for a few months the fears of Stuyvesant and the Company,[28] and later its fifteenth article became the basis for protests against the seizure of the Dutch colony.[29]

Bibliography.

Text: MS. The original manuscript of the ratification by Charles II. is preserved in the Rijksarchief at the Hague.

Text: Printed. L. van Aitzema, *Saken van Staet* (1669-1672), IV. 915-920; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VI., pt. II., pp. 422-428.

Translations: English. British Museum, 595+26 (published in 1662). **Dutch.** L. van Aitzema, *op. cit.*, IV. 908-915.

References: Contemporary and early writings. T. H. Lister, *Edward, First Earl of Clarendon* (1837-1838), III. 134-220, *passim*; L. van Aitzema, *op. cit.*, IV. 605-612, 615-619, 745-749, 752-758, 761-764, 891-895, 899-907, 921; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), II. 680-682, III. 41-64, 76-85; *Origineel Historisch Verhael van't gene binnen den tijt van ses weken herwaerts tot 31 January 1662 tusschen Engelant ende Hollant wegens de nieuw te maken Tractaten gepasseert is* (Rotterdam, 1662); *Hollandtsche Mercurius*, 1661 (1662), *id.*, 1662 (1663), *passim*; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), II. 121, 122, 125, 131, 132, 164, 287, 302, 325, 332, 334, 335; B. Fernow, *Documents relating to Long Island* (1883), in *Docs. Col. Hist. N. Y.*, XIV. 481, 487, 503, 506, 508, 525, 527, 534.

References: Later writings. N. Japikse, *De Republiek en Engeland* (Leiden, 1900), pp. 155-229; H. L. Schoolcraft, "The Capture of New Amsterdam", in *Eng. Hist. Rev.*, XXI. 677-683 (Oct., 1907); A. Lefèvre-Pontalis, *John de Witt* (1885), I. 263-267; Sir Henry Craik, *Edward, Earl of Clarendon* (1911), II. 176-182.

[27] See the Remonstrance of the West India Company to the States General, Nov. 5, 1660, in Brodhead, *op. cit.*, II. 132. For the act of 1627, see *Treaties*, I. 292.

[28] Fernow, *Documents relating to Long Island*, pp. 525, 526.

[29] See Doc. **57**, introduction.

TEXT.[30]

Carolus Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Difensor, etc. Constare volumus omnibus et singulis quorum intererit, aut quomodocunque interesse poterit, quod, quum desiderio renovandae nobiscum amicitiae antiquae foederisque mutui pangendi Celsi ac Praepotentes Domini Ordines Generales Foederati Belgii legatos suos extraordinarios ad nos miserint, factum est, ut a nostra quoque parte constitutis et plena potestate munitis commissariis de amicitia consolidanda et foedere pangendo congressus disceptationesque hinc inde Londini haberentur, atque negotium ipsum eo proveheretur ut in sequentem tractatum in eoque comprehensos articulos rite conveniretur:

Postquam Divina providentia nuperos in Anglia motus suaviter composuerat, et Serenissimum Magnae Britanniae Regem ad avita regna ac dominia sua admirabili quodam populorum applausu reduxerat, dictus dominus rex eo statim curas et cogitationes applicuit ut pacem amicitiamque cum vicinis et confoederatis suis vel continuaret vel redintegraret; ex omnibus autem gentibus quae cum dicto domino rege, vel cum regiis praedecessoribus suis unquam sociatae sunt, nullas Celsis ac Praepotentibus Ordinibus Generalibus Foederati Belgii praeferendas esse censuit, tum quod dictus dominus rex ejusque praedecessores propensum semper et benevolum animum erga dictos dominos Ordines eorumque rempublicam ostenderint, tum quod mutua subditorum dicti domini regis dominorumque Ordinum Generalium commoda et commercia, et praesertim ejusdem religionis professio, singularem quandam affectus et consilii unionem ad utriusque populi stabilimentum et incrementum postulare videantur. Cumque dicti domini Ordines moti supra memoratis rationibus nihil antiquius habuerint, quam ut omnimodo pristina foedera inter dictum dominum regem dictosque dominos Ordines renovarentur et firmiori nexu stringerentur, ideoque legatos suos extraordinarios in Angliam miserint, dominum Ludovicum de Nassau dominum de Lecq, Beverwaert et Odijck, Simonem van Hoorn consularem et consiliarium urbis Amstelrodamensis, deputatum in Consilio Ordinario Hollandiae et Westfrisiae, Michaelem van Gogh antehac syndicum et consiliarium urbis Flissingensis, deputatum ad rationes provinciales Zeelandiae, Joachimum Ripperda dominum de Farmsum, urbis Appingadam, Helm, Scilvolda, Sidecbuiren, Oosterwijckweert, Olweerda, Vitweerda, Marsum, Birsum, Salweert, et Eversum, deputatos Hollandiae, Selandiae, et Groeningae et Omlandiae in Consessu Ordinum Generalium, ad arctiorem firmioremque pacem et amicitiam cum dicto domino rege ineundam; placuit dicto domino regi deputare ex parte sua commissarios et procuratores suos e secretiori sacrae Majestatis Consilio, Johannem baronem Robarts custodem privati sigilli, Georgium ducem Albemarlae exercituum in Magna Britannia et Hibernia capitaneum generalem et equorum regiorum magistrum, Eduardum comitem Mancestriae hospitii regii camerarium, Hieronymum comitem Portlandiae, Denzillum baronem Hollis, Antonium baronem Ashley scaccarii regii cancellarium et subthesaurarium, Carolum Berkeley equitem auratum hospitii regii thesaurarium, Georgium Carteret equitem auratum et baronettum hospitii regii vicecamerarium, Eduardum Nicholas equitem auratum, unum, et Guilielmum Morice equitem auratum, alterum primariorum regis secretariorum, ut super proposito foedere cum dictis legatis tractarent concluderentque secundum literas plenae potestatis utrimque exhibitas, quarum exemplar in fine hujus

[30] The text is taken from the original manuscript of the ratification by Charles II., preserved in the Rijksarchief at the Hague.

tractatus insertum est: tandemque inter dictos Regiae Majestatis commissarios ab una, dominorumque Ordinum legatos ab altera parte, conventum et concordatum est:

1. Imprimis, quod ab hoc die sit vera, firma et inviolabilis pax, amicitia sincerior, intimior atque arctior confoederatio et unio inter Serenissimum Magnae Britanniae Regem atque Celsos ac Praepotentes Ordines Generales Foederatarum Belgii Provinciarum, terrasque, regiones, civitatesque sub utriusque ditione sine distinctione locorum positas, earumque subditos et incolas cujuscunque demun gradus fuerint.

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9. Item, quod dictus dominus Rex Magnae Britanniae, subditique ejus, omnesque Majestatis suae dominiorum incolae, item praedictae Foederatae Provinciae, earumque subditi et incolae, cujuscunque ordinis et conditionis fuerint, ad sese mutuo rebus omnibus humaniter atque amice tractandum obligabuntur, uti terra vel aqua alterutrius regiones, oppida, pagos, sive muro cincta sive non cincta, sive munita sive non munita, portus etiam, et universam partis utriusque ditionem in Europa libere et secure adire possint, in iisque versari et commorari quamdiu voluerint, ibique sine ullo impedimento commeatum suis usibus quantum necesse erit coëmere, atque etiam negotiari et mercaturam facere quocunque mercium genere ipsis videbitur, easque advehere suo arbitratu aut exportare, dummodo quae statuta sunt portoria solvant, salvis etiam alterutrius dominii legibus et statutis omnibus: ita tamen ut subditi et incolae utriusque partis commercium suum exercentis in alterutrius regionibus et ditionibus, non obligentur in posterum plus portorii, census, vectigalium, aut aliorum tributorum solvere, quam pro rata proportione quam alii extranei solvunt in iisdem locis mercaturam exercentes.

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14. Item, quod si acciderit ut quamdiu foedus, amicitia, et societas haec duraverit, ab ullo ex subditis aut incolis alterutrius partis contra hoc foedus aut ullum ejus membrum mari, terra, aut aquis dulcibus quicquam fiat aut tentetur, amicitia haec, foedus, et societas inter has nationes non idcirco interrumpentur aut infringentur, verum integra nihilominus perstabunt, vimque suam plenariam obtinebunt; tantummodo illi ipsi qui contra foedus praedictum commiserint, singuli punientur et nemo alius; justitiaque reddetur et satisfactio dabitur illis omnibus quorum id interest ab iis omnibus qui terra, mari, aut aliis aquis contra hoc foedus quicquam commiserint ulla in parte Europae, aut ubivis locorum intra fretum Gaditanum, sive in America, vel per Africae littora, ullisve in terris, insulis, aequoribus, aestuariis, sinubus, fluminibus, ullisve in locis cis caput Bonae Spei, intra anni spatium quam justitia postulabitur; in omnibus autem (uti supradictum est) ultra praedictum caput locis, intra menses octodecim quam justitia praedicto modo poscetur. Quod si vero foederis ruptores non comparuerint, neque se judicandos submiserint, neque satisfactionem dederint intra hoc vel illud temporis spatium pro loci longinquitate modo constitutum, praedicti illi utriusque partis hostes judicabuntur, eorumque bona, facultates, et quicunque reditus publicabuntur, plenaeque ac justae satisfactioni impendenda erunt earum injuriarum quae ab ipsis illatae sunt, ipsique praeterea, cum in alterutrius partis potestate fuerint, iis poenis obnoxii erunt quas suo quisque crimine commeruerit.

15. Item, conventum et conclusum est inter dictum dominum Regem Magnae Britanniae, ac dictos dominos Ordines Foederati Belgii, quod insula Pularon restituetur dicto domino Regi, aut iis qui ad hoc diploma a rege sub magno Angliae sigillo acceperint, idque simul ac aliquis tali instructus diplomate illuc

pervenerit, ac illam restitutionem petierit; et quo illud facilius ac certius ad exitum perducatur, ab Ordinibus Generalibus et Societate Indica quae est apud Belgas diplomata ad hoc necessaria ipsi tradentur statim post ratificationem hujus tractatus; et quod per restitutionem istius insulae Pularonis actiones ac praetensiones omnes quas subditi unius et alterius partis ob damna, injurias, et offensiones invicem in India illatas et in Anglia cognitas ante decimum/vigesimum Januarii anni millesimi sexcentesimi quinquagesimi octavi/noni sibi competere putant, (hoc excepto, quod scilicet qui si jacturam passos dicunt in duabus navibus, videlicet, *Bona Avantura* et *Bona Esperanza,* poterunt litem inceptam prosequi) cessabunt, extinguentur, et annihilabuntur eo quo sequitur modo;

Ut omnes offensae, injuriae, damna ac dispendia (excipiendo prius excepto) quae pars una ab altera pertulit, aut quomodolibet se pertulisse causari posset in Indiis Orientalibus quorum quidem notitia aliqua fuerit Londini apud Anglos, aut Hagae Comitum apud Belgas, ante vigesimum diem Januarii anni millesimi sexcentesimi quinquagesimi noni stylo novo, aut decimo Januarii anni millesimi sexcentesimi quinquagesimi octavi stylo veteri; in caeteris vero mundi plagis ex Capite quarumcunque actionum aut verum quae contigere ante publicationem et notitiam pacis inter utramque gentem initae die quarto/quatuordecimo Martii anni millesimi sexcentesimi quinquagesimi tertii/quarti penitus deleta atque extincta remanebunt, ita ut neutra dictarum partium alteri negotium facesset ob aliquod istius modi damnum, offensam, injuriam, aut dispendia (excipiendo prius excepto) sed eorum omnium singulorumque perfecta erit remanebitque abolitio, omnesque eo nomine lites actionesque cassae nullaeque erunt: caetera autem damna, offensae, injuriae, et dispendia quae gens Anglicana seu publico seu privatorum nomine affirmare poterit sibi obvenisse aut illata esse a Foederatorum Belgarum regimine, aut a societatibus vel privatis eidem regimini subjectis, uti et vicissim quae Foederati Belgae seu publico seu privatorum nomine sibi obvenisse aut illata esse causari poterunt ab Anglorum regimine, aut a societatibus vel privatis eidem subjectis, in Indiis Orientalibus post diem decimum/vigesimum Januarii anni millesimi sexcentesimi quinquagesimi octavi/noni aut saltem quorum notitia ante eum diem Londini aut Hagae Comitum non fuerit, atque in caeteris mundi partibus post publicationem et notitiam pacis praedictae anni millesimi sexcentesimi quinquagesimi tertii/quarti absque ulla personarum seu loci et temporis ulteriori distinctione aut exceptone submittentur, sicut hisce tabulis submittuntur, examini, arbitrio et decisioni commissariorum, modo et conditionibus ut sequitur:

Ut commissarii in res praeteritas tantum constituantur, neutiquam vero in futuras quae post diem conclusi tractatus accidere poterunt;

Uti commissio eorum in praeterita solummodo (ut jam dictum est) directa clausulam ullam generalem nequaquam contineat, sed expresse circumscribatur ac limitetur catalogo speciali qui commissioni adjungetur, ita ut praeter actiones eodem catalogo descriptas de nulla alia recognoscere ipsis integrum sit;

Ut autem de eo utriusque conveniat, catalogus ab utraque parte conficietur, ac utrimque commutabitur, ut hinc inde rite et debite examini subjici possit; ac si vel in hoc vel in illo inveniantur res qualescunque ad Indias Orientales spectantes quae ante diem decimum/vigesimum Januarii anni millesimi sexcentesimi quinquagesimi octavi/noni Londini notae fuerunt quoad actiones Anglorum, aut eodem tempore Hagae Comitis quoad actiones Foederatarum Provinciarum, vel quae in caeteris mundi plagis ante publicationem et notitiam pacis praedictae anni millesimi sexcentesimi quinquagesimi tertii/quarti acci-

derunt, aut etiam aliae actiones ejus naturae, ut hujus modi arbitrio submitti minus aptae censeantur, eae ex catalogis expungentur.

Postquam itaque de hisce catalogis utrimque conventum erit, annus integer constituetur quo inter Serenissimae suae Majestatis ministrum atque Ordinum Generalium commissarios Hagae Comitis negotia omnia iisdem catalogis contenta per amica colloquia componantur, et praetendentes vel eorum mandatarii hunc in finem speciali mandato muniti ante exitum sexti mensis praedicti anni Hagae Comitis sistere sese tenebuntur;

Hoc autem anno elapso, omnes eae actiones ob quas praetendentes vel eorum mandatarii Hagae fuerint eo intuitu ut de iis amicabiliter transigeretur (quod per legitimum testimonium ablegati Regis Magnae Britanniae et commissariorum Ordinum Generalium aut alterutrius probare tenebuntur) et de quibus tamen antea ita transactum non fuerit, ad dictos commissarios remittentur; ut tandem per eos aut componantur aut decidantur: qui quidem commissarii post dictum annum elapsum, si aliquae actiones tunc temporis ita amice non fuerint compositae, eo fine Londinum convenient, eruntque quaterni ab utraque parte; instruentur autem et munientur authoritate; fietque porro haec ipsa submissio et progressus in omnibus et per omnia eodem prorsus modo quo anno millesimo sexcentesimo quinquagesimo quarto factum fuit, ita tamen ut hisce super arbitrium Protestantibus Helvetiorum cantonibus non deferatur.

16. Item, quod dicti domini Regis subditi, quique sub ejus ditione fuerint, possint libere, tuto, ac secure in Foederati Belgii Provinciis et singulis suis ditionibus in Europa, perque eas, terra vel aqua ad ulla in iis loca, vel ultra eas iter facere, perque ulla earum oppida, praesidia, munimenta transire quae ullis in locis Foederatarum Belgii Provinciarum, aut alibi in earum ditionibus sunt vel erunt, mercaturam in omnibus illis locis facientes, eorumque negotiatores, institores famulive, armati sive inermes (armati autem non amplius quadraginta simul) tam sine bonis suis et mercimoniis quam cum iis, quocunque ire voluerint. Poterit item populus et incolae Foederatarum Belgii Provinciarum eadem libertate frui in omnibus dicti domini Regis ditionibus in Europa, dummodo in hujusmodi commercio et mercatura singuli alterutrius dominii legibus et statutis utrimque pareant moremque gerant.

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28. Item, conventum, conclusum, et concordatum est, quod praesens tractatus, atque omnia et singula in eo contenta et conclusa, a dicto domino Rege Magnae Britanniae, dictisque dominis Ordinibus Generalibus Foederatarum Provinciarum per patentes utriusque partis literas sigillo magno munitas debita et authentica forma intra tres menses proxime insequentes (aut citius, si fieri poterit) confirmabuntur et ratihabebuntur, mutuaque instrumenta intra praedictum tempus extradentur; nec non et tractatus hic et confoederatio statim a traditis et permutatis instrumentis forma et loco solitis publicabuntur.

In quorum omnium fidem majusque robur, nos praedicti legati extraordinarii dictorum dominorum Ordinum Generalium praesentem tractatum subscripsimus, eidemque sigilla nostra apposuimus. Actum apud Whitehall quarto-/decimo quarto die Septembris anni millesimi sexcentesimi sexagesimi secundi.

V. Hoorn. M. Vangogh.

Nos igitur Carolus, Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etca. tractatum superius expressum et singulos ejusdem articulos, nec non articulum separatum eidem annexum, tanquam ad mandata nostra confectos, in omnibus suis clausulis laudavimus, approbavimus, et rati-habuimus, quemadmodum vigore praesentium eosdem laudamus, appro-

bamus, et omni meliori modo rati-habemus, spondentes nostro et successorum nostrorum nomine ac verbo regio, nos inviolabiliter et bona fide eos servaturos et impleturos, nec passuros esse ut a nostratibus aut aliis quibuscunque ullo modo violentur. In quorum fidem praesentes literas manu nostra subscriptas majori Angliae sigillo muniri jussimus. Actum apud Westmonasterium vigesimo quarto die Decembris, anno millesimo sexcentesimo sexagesimo secundo, et regni nostri decimo quarto.

CAROLUS R.

TRANSLATION.

Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc. We wish to make known to all and singular whom it shall concern or may in any way concern, that whereas, with a desire of renewing their ancient friendship with us, and of concluding a mutual league, the High and Mighty lords, the States General of the United Netherlands, have sent their ambassadors extraordinary to us, it has been brought to pass that, after commissioners had been appointed on our part also, and armed with full powers, conferences and discussions about confirming friendship and concluding a treaty were held on both sides in London, and the matter was so far advanced that the following treaty and the articles comprehended therein, were duly agreed on:

After Divine Providence had quietly composed the recent commotions in England, and had brought back the Most Serene King of Great Britain to his ancestral kingdoms and dominions with wonderful popular applause, the said lord king at once turned his attention and thought to continuing or renewing peace and amity with his neighbors and confederates; and of all the nations ever associated with the said lord king or his royal predecessors, he thought that none should be preferred to the High and Mighty States General of the United Netherlands, both because the said lord king and his predecessors have always shown a favorable and kindly feeling toward the said lords the States and their republic, and also because the mutual advantage and trade of the subjects of the said lord king and of the lords the States General, and especially the profession of the same religion, seem to call for a certain singular union of sentiment and purpose for the stabiliment and development of both peoples. And whereas the said lords the States, moved by the reasons aforesaid, have deemed nothing more important than that the former treaties between the said lord king and the said lords the States should be entirely renewed and made more closely and firmly binding, and for that reason have sent their ambassadors extraordinary into England, the lord Louis of Nassau, lord of Lek, Beverwaert, and Odijk, Simon van Hoorn, ex-burgomaster and councillor of the city of Amsterdam, deputy in the ordinary council of Holland and West Friesland, Michael van Gogh, formerly syndic and councillor of the city of Flushing, deputy to the provincial estates of Zeeland, Joachim Ripperda, lord of Farmsum, of the town of Appingedam, Hellum, Schildwolde, Siddeburen, Oosterwijtwerd, Holwierda, Uitwierda, Marsum, Birsum, Solwerd, and Eversum, deputies of Holland, Zeeland, and Groningen and the Ommeland in the assembly of the States General, for the purpose of entering into a closer and firmer peace and friendship with the said lord king, it has pleased the said lord king to depute on his part as his commissioners and deputies members of his Sacred Majesty's Privy Council, John, baron Robartes, keeper of the privy seal, George, duke of Albemarle, captain general of the armies in Great

Britain and Ireland, and master of the royal horse, Edward, earl of Manchester, chamberlain of the royal household, Jerome, earl of Portland, Denzil, baron Hollis, Anthony, baron Ashley, chancellor of the exchequer and subtreasurer, Charles Berkeley, knight, treasurer of the royal household, George Carteret, knight baronet, vice-chamberlain of the royal household, Edward Nicholas, knight, and William Morice, knight, the king's two principal secretaries, in order that they may treat and conclude with the said ambassadors in respect to the proposed treaty, in accordance with the letters of full powers exhibited on both sides, a copy of which is inserted at the end of this treaty. And at length between the said commissioners of his Royal Majesty on the one hand, and the ambassadors of the lords the States on the other hand, it has been covenanted and agreed:

1. First, it is concluded and agreed, that from this day forth there shall be a true, firm, and inviolable peace, a more sincere friendship, a more intimate and close confederacy and union between the Most Serene King of Great Britain and the High and Mighty States General of the United Provinces of the Netherlands, and the lands, countries, and cities under the obedience of each, without distinction of places, together with their subjects and inhabitants of whatsoever rank they be.

. . . . . .

9. Also, that the said lord King of Great Britain and his subjects, and all the inhabitants of his Majesty's dominions, and also the said United Provinces and their subjects and inhabitants, of whatsoever rank or condition they may be, shall be bound to treat each other with humanity and friendliness in all respects, so that they may freely and safely pass by land or by water into each other's countries, cities, towns walled or unwalled, fortified or not fortified, and their havens, and all their dominions in Europe, to continue and abide therein so long as they shall please, and may there buy so many provisions as are necessary for their use, without any hindrance: and that likewise they may trade and traffic in whatever sorts of goods and commodities shall seem to them fit, and may import and export them at their pleasure, paying the usual duties, but saving all the laws and statutes of both countries; provided nevertheless, that the subjects and inhabitants of either side exercising their trade in each other's countries and dominions shall not be obliged hereafter to pay any more customs, dues, imposts, or other duties than in that proportion which other foreigners trading in the said places pay.

. . . . . .

14. Also, that in case it shall happen that during this league, friendship, and alliance, anything shall be done or attempted by any of the subjects or inhabitants of either party against this treaty, or any part thereof, by sea, land, or fresh waters, that nevertheless this amity, league, and alliance between the said nations shall not thereby be interrupted or broken, but shall remain and continue in its full force; and that only those particular persons shall be punished, who have offended against this treaty, and none else; and that justice shall be rendered, and satisfaction given to all persons concerned, by all those that have committed anything contrary to this treaty, on land or sea, or other waters, in any part of Europe, or in any places within the Straits of Cadiz, or in America, or upon the coasts of Africa, or in any lands, islands, seas, creeks, bays, rivers, or in any places on this side the Cape of Good Hope, within the space of a year after justice shall be demanded; and in all places whatsoever beyond the said Cape (as aforesaid) within eighteen months after justice shall be demanded in the manner aforesaid. But in case the offenders against this

treaty shall not appear, nor submit themselves to judgment and give satisfaction within the respective times above fixed proportionable to the distance of the places, they shall be declared enemies of both parties, and all their goods, estates, and revenues shall be confiscated for due and full satisfaction of the injuries inflicted by them; and their persons also, when they come within the power of either party, shall be liable unto such punishments as each may deserve for his respective offense.

15. Also, it is agreed and concluded between the said lord King of Great Britain, and the said Lords States of the United Netherlands, that the island of Pulo Run shall be restored to his said Majesty, or to those whom he shall appoint for this purpose by a commission under the great seal of England; and [it shall be restored] so soon as any one provided with such a commission shall arrive there and demand the said restitution; and in order that the restoration may be effected with the more ease and certainty, commissions necessary for that end shall be delivered unto him from the States General and the Netherlands India Company, immediately after the ratification of this treaty. And [it is agreed] that by the restitution of the said island of Pulo Run, all actions and pretensions wherein the subjects of either party think they have right for losses, injuries, and offenses committed upon each other in India, and taken notice of in England before January 10/20, 1658/9 (with this exception, that they who say they have suffered loss in two ships, to wit, the *Bonaventure* and the *Bona Esperanza,* may prosecute the suit already begun), shall cease, be extinguished, and annulled in the manner following:

That all offenses, injuries, and losses (except those before excepted) which one party has suffered, or can in any way pretend to have suffered from the other in the East Indies, whereof any notice shall have been given to the English at London, or to the Netherlanders at the Hague, before the twentieth of January, 1659, new style, or the tenth of January, 1658, old style; but in other parts of the world on this side the Cape, any actions or things whatsoever that happened before the publication and notice of the peace concluded between both nations on March 4/14, 1653/4, shall remain utterly cancelled and extinguished, so that neither party shall trouble the other on account of any such damage, offencs, injury, or detriment (except the before excepted) but there shall be and remain a perfect abolition of all and every one of them, and all suits and actions upon such account shall be void and null: but other damages, offenses, injuries, and detriments, which the English nation, either upon public or private account, can affirm to have fallen or have been brought upon them by the government of the United Netherlands, or by the companies or private persons subject to that government, as on the other side what the United Netherlanders can upon public or private account pretend to have fallen or been brought upon them by the government of the English, or by the companies or private persons subject thereunto, in the East Indies, after January 10/20, 1658/9, or at least whereof there was no notice at London or at the Hague before that day; and in other parts of the world after the publication and notice of the aforesaid peace of the year 1653/4, without any further distinction or exception of persons, place, or time, shall be submitted, as by this treaty they are submitted, unto the examination, arbitration, and decision of commissioners or arbitrators, after the manner and under the conditions following:

That commissioners be appointed only for matters past, but not at all for matters to come, which may happen after the day whereupon this treaty is concluded;

That their commission, directed unto past things only, as has been already said, is not to contain any general clause, but is to be expressly confined and limited to a special catalogue, which shall be annexed unto the commission, so that they may by no means take cognizance of any other thing besides the actions set down in that catalogue;

But that they may mutually agree thereupon, a catalogue shall be made by each party and interchangeably delivered, so that it may be properly and duly examined by either side; and if there be found in either of the catalogues any things whatsoever relating to the East Indies which were known in London before January 10/20, 1658/9, as to actions of the English, or at the same time at the Hague as to actions of the United Provinces, or which happened in other parts of the world before the publication and notice of the aforesaid peace of the year 1653/4, or other actions of such a nature as may not be thought fit to be referred unto such arbitration, they shall be expunged out of the catalogues;

Accordingly after each side has agreed upon these catalogues, a whole year shall be appointed wherein all cases contained in those catalogues may be accommodated and composed by friendly conferences between his Majesty's minister and the commissioners of the States General at the Hague; and the claimants or their deputies thereunto appointed by special letters of attorney, shall be bound to make their appearance at the Hague before the end of the sixth month in the aforesaid year;

But that year having expired, all those cases about which the claimants or their deputies were at the Hague with an aim or purpose to have them brought unto a friendly issue (which they shall be bound to prove by lawful testimony of the envoy of the King of Great Britain, and of the commissioners of the States General, or either of them) and which nevertheless have not been by that time brought to such an issue, shall be referred to the said commissioners, that they may be at last composed or decided by them. These commissioners, moreover, after the said year has expired, if there remain any cases not composed in such friendly manner at that time, shall meet for that purpose at London, and there shall be four on either side, instructed and provided with authority, and thenceforward this submission and progress in and through all matters shall be carried on in the same manner as it was in the year 1654, but so as the arbitration upon these matters be not referred to the Protestant cantons of Switzerland.

16. Also, that the subjects of the said lord king and those who are under his jurisdiction may freely, safely, and securely travel in the provinces of the United Netherlands and all their dominions in Europe, and pass through them by sea or land to any or other places in or beyond them, and through any of their cities, forts, or garrisons whatsoever, which are or shall be in any parts of the United Provinces of the Netherlands, or elsewhere in their dominions, they themselves carrying on trade in all those places, and also their agents, factors, and servants, armed or unarmed (but if armed, not above forty in company), either without their goods and merchandise or with them, wheresoever they please. The people also and the inhabitants of the United Provinces of the Netherlands shall enjoy the same liberty in all the dominions of the said lord king in Europe; provided that they and every of them do in their trade and merchandising yield obedience to the laws and statutes of either nation respectively.

. . . . . .

[28.] Also, it is agreed, concluded, and accorded that the present treaty, and all and singular therein contained and concluded, shall be confirmed and

ratified by the said lord King of Great Britain, and the said lords the States General of the United Provinces, by letters patent on both sides, sealed with the great seal in due and authentic form, within three months next ensuing (or sooner if it can be done), and that within the said time the instruments on both sides shall be exchanged; and that immediately after the delivery and exchange, this treaty and alliance shall be published in such places and manner as is usual.

In witness and confirmation of all these, we the said ambassadors extraordinary of the said lords the States General have signed the present treaty and thereto affixed our seal. Done at Whitehall on the 4/14 day of September, 1662.

V. Hoorn. M. van Gogh.

We, therefore, Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., have commended, approved, and ratified in all their clauses the treaty exhibited above, and its separate articles, and the separate article annexed thereto, as drawn in conformity with our commands, as by virtue of these presents we do commend, approve, and in every good manner ratify them, promising in our own name and in that of our successors and on our royal word that we will keep and fulfill them inviolably and in good faith and will not allow them to be violated in any way by our people or by any others whatsoever. In pledge of which we have ordered the present letters, subscribed with our hand, to be secured with the greater seal of England. Done at Westminster, on the twenty-fourth day of December, in the year 1662, and of our reign the fourteenth.

Charles, King.

54.

Treaty of defensive alliance between Great Britain and Sweden, concluded at Stockholm, March 1, 1664/5, O. S. Ratification by Great Britain, May 15, 1665. [*Ratification by Sweden, May 31, 1665.*]

INTRODUCTION.

Towards the end of the year 1663, ill feeling between the United Netherlands and England revived. The treaty concluded between these powers in the preceding year had stipulated (art. 15) that claims for losses sustained by the trading companies and merchants of either nation from the subjects of the other should be submitted to commissioners or arbitrators.[1] Both sides delayed in drawing up their "lists of pretensions" and when, in the autumn of 1663, Sir George Downing presented the English list at the Hague, the failure of the Dutch to satisfy its demands irritated the English.[2] At the same time, rivalry between the merchants of the two nations in the Far East, on the West African Coast, and in North America, as well as in Europe, occasioned new disputes. Especially important in its international bearings was the struggle for control of the Gold Coast, the chief source of supply of slave labor, now recognized by Europeans as essential to the development of their West India colonies. As the successors of the Portuguese at Elmina, the principal fort on the Gold Coast, the Dutch claimed the monopoly of the entire coast, and their efforts to enforce this claim against the Danes, Swedes, English, and other competitors aroused bitter resentment.[3] During the Dano-Swedish war in 1658, Cabo Corso (Cape Coast Castle), the fort second in strength on the Coast, was taken from the Swedes by the Danes, one of whose agents sold it to the Dutch West India Company. It was soon after recovered by the natives. Under pretext of war with the natives, the Dutch declared a blockade of the entire Gold Coast, obstructed the trade of the Danes with a neighboring Danish fort, and seized merchant ships belonging to the English and Swedes. They also recaptured Cabo Corso, to the great disappointment of the English, particularly the members of the Company of Royal Adventurers trading into Africa.[4] To protect the interests of this company, Charles II. in the autumn of 1663 secretly despatched to the Coast an expedition under Sir Robert Holmes, which dispossessed the Dutch of Cape Verde, Cabo Corso, and other

[1] Doc. **53**, art. 15.
[2] Japikse, *Verwikkelingen*, pp. 278 ff.
[3] Accounts of the international rivalry and of the Dutch blockade are in G. F. Zook, *The Company of Royal Adventurers trading into Africa*, ch. III., *passim*; also in the *Journal of Negro History*, IV. (1919); Japikse, *op. cit.*, pp. 280, 281; Lister, *Life of Clarendon*, III. 279-286.
[4] Zook, *op. cit.*, pp. 41, 42.

forts, besides several ships. In February an expedition against New Netherland was ordered; in March this Dutch colony was granted to the Duke of York; in April Charles II. secretly instructed Colonel Richard Nicolls and the other commissioners for New England to take possession of Long Island, reducing the Dutch there to the obedience of the Duke of York, and securing the whole trade to the English.[5] In the same month the House of Commons took a more open step toward belligerency by resolving that the Dutch were "the greatest obstruction to our foreign trade", and pledging their lives and fortunes to help the king to obtain redress from them.[6]

Since war was inevitable, Charles II. sought to form alliances with Sweden and Denmark—powers with which in 1663 Downing seemed to wish England to unite in order that each government might support the others' interests in Guinea.[7]

In May, 1664, Downing took up with Appelboom, the Swedish resident at the Hague, the question of an Anglo-Swedish alliance.[8] In the following autumn negotiations for such an alliance against the Dutch were formally opened at Stockholm by the Earl of Carlisle, and continued there by the envoy extraordinary, Henry Coventry.[9] At the same time Sir Gilbert Talbot was despatched to Copenhagen to conclude an alliance with Denmark. With both Sweden and Denmark England hoped to make a commercial treaty that would close the Baltic to Dutch shipping; and in order to relieve Denmark of the fear of being attacked by the Swedes while engaged against the Dutch, she was ready to guarantee the Dano-Swedish treaty of Copenhagen to each of the signatory powers.[10]

Coventry's negotiations at Stockholm were favored by the many differences existing between the Swedish and Dutch governments. Sweden resented the aid given by the Dutch to the Danes in the Dano-Swedish wars and the refusal of the Dutch to abolish the Elucidation Treaty of 1659, which deprived Sweden of certain commercial advantages conceded to her by the treaty of Elbing in 1656. Among other grievances was the refusal of the Dutch West India Company to restore New Sweden to the Swedish American Company. In the spring of 1664, when the Swedish government realized the seriousness of England's dispute with the Dutch in regard to New Netherland, including Sweden's former colony on the Delaware, Appelboom was instructed "to give heed to the negotiations between the disputing nations, 'that the Dutch might not secure any advantage which might afterwards tend to the damage of their [the Swedes'] pretensions', and to protest against the formal abandonment of the colony to any one before the payment of the indemnification to

[5] J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), II. 15-19.
[6] *Commons' Journals*, VIII. 548.
[7] Lister, *op. cit.*, III. 255, 259, 260; Japikse, *op. cit.*, p. 306. But the Swedish resident in London, toward the end of 1662, vainly tried to secure aid from England in reinstating the Swedes in Cabo Corso (Granlund, "Svenska Afrikanska Kompaniets Historia", pp. 360 ff.). In the spring of 1664, also, the Swedish government tried to obtain help from England. Sprinchorn, "History of New Sweden", in *Pa. Mag. Hist.*, VIII. 250.
[8] Granlund, *op. cit.*, pp. 376 ff.
[9] An account of Carlisle's embassy by G. Miege is noted in the Bibliography.
[10] Schoolcraft, "England and Denmark", in *Eng. Hist. Rev.*, XXV. 461 (1910).

Sweden ".[11] In June he had memoralized the States General for the speedy restoration of New Sweden and the reimbursement of the Swedish Company for all its losses and damages; and he had not received satisfaction.[12]

Despite its many grievances against the Dutch, the Swedish government was in no haste to conclude a treaty with England. It suspected the sincerity of her pretended desire to increase Swedish trade by excluding the Dutch from the Baltic, when she refused to permit the Swedes to trade with her American colonies.[13] Appelboom, who was inclined more favorably to the Dutch than to the English, urged that Sweden should not make any treaty with England that failed to stipulate free trade for the Swedes in the English colonies. Free trade limited to Europe would be an unequal bargain, since Sweden supplied England with necessities, while England sent less essential commodities to Sweden. He suggested that the treaty provide that England recover New Sweden and Cabo Corso for the Swedes, and help the Swedes to defend these colonies against Dutch aggression. He was anxious that Sweden should remain neutral in the conflict between England and the United Provinces, and did not wish England to gain an ascendancy of the seas that would mean the destruction of Holland.[14]

By November the Swedish commissioners—Biörnklou, Coyet, and Lagerfelt—had agreed in principle to a defensive alliance, but on account of Coventry's lack of satisfactory powers negotiations were suspended until the end of January.[15] Although the Dutch, and the French at their instigation,[16] endeavored to prevent the consummation of the negotiations, the treaty was concluded on March 11. At about the same time, the Swedish chancellor must have learned that the English had captured the colony of New Sweden from the Dutch in America.[17]

The only provisions of the treaty respecting America were contained in the first article, which stipulated everlasting amity without as well as within Europe, " especially in Africa and America ", and that neither power was to trouble the colonies of the other or permit others to do so. Subsequent articles related to a defensive alliance, operative only in Europe, for a period of ten years, and to various commercial regulations and concessions. A secret article provided for the annulment of the Treaty of Elucidation.

Bibliography.

Text: MS. The original manuscript of the ratification by Charles II. of England is in the Riksarkiv at Stockholm, Originaltraktater, England, no. 4. Chalmers (I. 18) refers to a ratification in the " Paper Office ", H. 3.

[11] Sprinchorn, *op. cit.*, pp. 248, 249.
[12] Brodhead, *Docs. Col. Hist. N. Y.*, II. 238-242, 246, 247, 258-260. On Aug. 15, 1664, the States General agreed to settle the African claims amicably. *Ibid.*, p. 246.
[13] London P. R. O., St. Pap. For., Treaty Papers, no. 69.
[14] G. W. Kernkamp, " Memoriën van den Zweedschen Resident Harald Appelboom ", in *Bijdragen en Mededeelingen van het Historisch Genootschap te Utrecht*, XXVI. 361, 362 (1905); Granlund, *op. cit.*, pp. 377-380.
[15] Schoolcraft, *op. cit.*, pp. 464, 465.
[16] Comte d'Estrades, *Lettres, Mémoires, et Négociations* (1758), III. 10, 22, 27, 43, 71, etc.
[17] Johnson, *op. cit.*, II. 653.

Text: Printed. The text will doubtless be included in O. S. Rydberg and C. Hallendorff, *Sverges Traktater med Främmande Magter* (1877-).

References: Contemporary and early writings. *The Life of Edward, Earl of Clarendon: a Continuation of his History of the Grand Rebellion,* by himself (1827), II. 315-318, 412-415, 425, III. 195, 196; T. H. Lister, *First Earl of Clarendon* (1837-1838), III. 364-368; G. W. Kernkamp, "Memoriën van den Zweedschen Resident Harald Appelboom", in *Bijdragen en Mededeelingen van het Historisch Genootschap gevestigd te Utrecht,* XXVI. (1905) 361-367; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), II. 238-242, 246, 247, 258-261, 276, 277, 305, 308; L. van Aitzema, *Saken van Staet* (1669-1672), V. 239 ff., 534 ff.; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), III. 164 ff., 227 ff., 280 ff.; [G. Miege], *A Relation of Three Embassies from Charles II. to the Great Duke of Muscovie, the King of Sweden, and the King of Denmark, performed by the Earl of Carlisle in the Years 1663 and 1664* (London, 1669), pp. 351 ff., or, in French, *La Relation de Trois Ambassades de M. le Comte de Carlisle,* in *Bibliothèque Elzévirienne,* XXXIX. (1857).

References: Later writings. F. F. Carlson, *Geschichte Schwedens,* translated by J. E. Petersen (1855), IV. 478-483, in A. H. L. Heeren and F. A. Ukert, *Geschichte der Europäischen Staaten*; C. K. S. Sprinchorn, "History of the Colony of New Sweden", translated by G. B. Keen in *Pennsylvania Magazine of History and Biography,* VIII. (1884) 241, 248-251; A. Johnson, *Swedish Settlements* (1911), II. 653, 654; T. H. Lister, *op. cit.,* II. 337, 338, 342; H. L. Schoolcraft, "England and Denmark, 1660-1667", in *Eng. Hist. Rev.,* XXV. (1910) 461-467; V. Granlund, "Svenska Afrikanska Kompaniets Historia", in C. Silfverstolpe, *Historiskt Bibliotek,* VI. (1879) 356-387, *passim.*

TEXT.[18]

Nos Carolus Dei gratia Magnae Britanniae, Franciae, et Hyberniae rex, Fidei Defensor, etc. constare volumus omnibus et singulis quorum interest aut quomodolibet interesse poterit, quod cum Serenissimo et Potentissimo principi, fratri consanguineo, amico et foederato nostro charissimo, domino Carolo, eadem Dei gratia Suecorum, Gothorum, Vandalorumque regi et principi haereditario, magno principi Finlandiae, duci Scaniae, Esthoniae, Livoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae et Vandaliae, principi Rugiae, domino Ingriae et Vismariae, nec non comiti palatino Rheni, Bavariae, Juliaci, Cliviae, et Montium duci etc., visum fuerit, ad promovendum commune inter nostra respectiva regna, status, et subditos emolumentum, commissarios suos justa munitos authoritate et plenipotentia (quemadmodum illa ad calcem hujus tractatus subjuncta est) constituere ad tractandum et concludendum cum ablegato nostro extraordinario, ad eundem finem in Sueciam misso, ac plena pariter potestate munito; qui quidem commissarii et dictus ablegatus noster extraordinarius congressi sunt ac, cunctis utrinque deliberatis, tandem pro bono et securitate mutua arctiorem contrahere amicitiam easque foederis leges quae in sequentibus monstrantur articulis, condere agressi sunt.

Serenissimi ac Potentissimi principis ac domini, domini Caroli Dei gratia Magnae Britanniae, Franciae et Hyberniae regis, Fidei Defensoris, etc., domini mei clementissimi, ablegatus ad Serenissimum itidem ac Potentissimum princi-

[18] The text is taken from the manuscript ratification by Charles II., in the Riksarkiv at Stockholm, Originaltraktater, England, no. 4.

pem ac dominum, dominum Carolum, eadem Dei gratia Suecorum, Gothorum Vandalorumque regem et principem haereditarium, magnum principem Finlandiae, ducem Scaniae, Esthoniae, Livoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae et Vandaliae, principem Rugiae, dominum Ingriae et Wismariae, nec non comitem palatinum Rheni, Bavariae, Juliaci, Cliviae, et Montium ducem, extraordinarius, ego Henricus Coventry dicto Serenissimo Magnae Britanniae regi a cubiculis intimis, in supremo Angliae concilio sive Parlamento senator, et in Hyberniae regno ad res agrarias adjudicandas commissarius, notum testatumque facio: quod cum, ratione habita pristinae amicitiae inter utraque Magnae Britanniae et Sueciae regna, a multis retro seculis initae atque conservatae, Serenissimo Magnae Brittanniae Regi, domino meo clementissimo, me in Sueciam cum plena agendi, tractandi, et concludendi potestate ablegare placuerit, tum ut eandem amicitiam in gradum eximium magis curarem promovendam, tum ut fraternos Serenissimae ejusdem Majestatis erga Serenissimum ac Potentissimum Suecorum Regem affectus testarer, atque omnia insimul quae ad mutuas utriusque regni utilitates spectare possent officia peragerem; atque siquidem ipse Serenissimus Sueciae Rex, ad pares erga Serenissimum Magnae Brittanniae Regem testandos affectus, non tantum istam mei a clementissimo domino meo ablegationem benigne et clementissime exceperit, sed et quo occasione ista quam maxime posset ad amicitiam eandem confirmandam et corroborandam frueretur atque ut ipse Serenissimi Regis clementissimi domini mei mandata facilius possem exsequi, dignatus sit commissarios suos cum plena itidem agendi, tractandi, et concludendi potestate constituere illustrissimum atque excellentissimum ut et perillustres et nobilissimos dominos, dominum Matthiam Biorenklow, haereditarium dominum in Elmahof, Wannestad, et Kunghampn, Sacrae Regiae Majestatis regnique Sueciae senatorem et consiliarium cancellariae; dominum Israelem Lagerfeld, haereditarium de Wigbyholm et Lagerlunda, vice praesidem regii Collegii Commerciorum Generalis; et dominum Petrum Julium Coyet, haereditarium in Liungbygårdt et Bengtsboda, equitem auratum, Sacrae Regiae Majestatis consiliarium status aulicum, et Generalis Collegii Commerciorum assessorem; idcirco cum ipse dictus Serenissimi Magnae Brittanniae Regis ablegatus cum dictis dominis Serenissimi Suecorum Regis commissariis et plenipotentiariis saepius congressus fuerim, sermone et colloquiis cum eisdem in finem praedictum variis institutis, habitis in super consultationibus rationibusque hinc inde prolatis serio perpensis, in sequentes tandem hosce arctioris unionis et foederis articulos unanimiter convenimus, ac nomine summe memoratorum regum nostrorum consensimus.

1. Sit inter Sacram Regiam Majestatem Magnae Brittanniae, ejusque haeredes et successores reges, ab una, et Sacram Regiam Majestatem Sueciae, ejusque haeredes et successores reges, ab altera parte, atque universa et singula utriusque regna, ditiones, provincias, insulas, terras, colonias, urbes, oppida, populos, cives et incolas, atque adeo omnes omnino subditos et vasallos, tam qui nunc sunt quam qui imposterum erunt, tam in Europa quam extra eam, praeprimis in Affrica et America, tam terra quam mari et aquis dulcibus, sincera et constans in perpetuum amicitia, foedus, et bona correspondentia, ita ut neque ipsi sibi invicem vel alter alterius regnis, provinciis, coloniis ubicunque sitis, et subditis, ullum incommodum inferant, neque hoc ab aliis fieri permittant et consentiant, sed se invicem sincero affectu, omni benevolentia et amore complectantur.

. . . . . .

32. Quemadmodum haec pacta vi acceptae potestatis et mandatorum utrinque conclusa sunt, ita eadem ab utraque sua Regia Majestate Magnae Brittanniae

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et Sueciae in debita et solenni forma approbari et ratihaberi, eorumque ratificationis instrumenta, Anglicum nimirum suae Regiae Majestatis Sueciae ministro Londini, Suedicum vero suae Regiae Majestatis Magnae Brittanniae ministro hic Holmiae intra duorum vel trium mensium spatium a tempore hujus subscriptionis nūmerandorum exhiberi debent.

In majorem omnium supradictorum certitudinem, et robur hujus tractatus sive arctioris foederis, bina exemplaria confecta sunt; quorum unum ego ablegatus Anglicus subscripsi ac sigilli mei impressione munivi, ac cum altero, quod domini plenipotentiarii Suedici itidem subscripserant et sigillis suis firmaverant commutavi. Datum Stockholmiae die primo Martii, anno Domini supra millesimum sexcentesimum sexagesimum (secundum Angliae stilum) quarto, vel (secundum Sueciae stilum) quinto.

HENRICUS COVENTRY.

Nos igitur Carolus, Dei gratia Magnae Brittanniae, Franciae et Hyberniae rex, Fidei Defensor, etc. supradictos foederis articulos tanquam ad mandata nostra confectos, in omnibus suis clausulis laudavimus, approbavimus, et ratihabuimus, quemadmodum vigore harum eosdem laudamus, approbamus, et ratihabemus, spondentes nostro regnique nostri nomine ac verbo regio, omnia inviolabiliter et bona fide nos servaturos et impleturos, nec passuros esse ut a nostratibus aut aliis quibuscunque ullo modo violentur vel contraveniantur. In quorum fidem majorem hasce manu nostra subscriptas magno Angliae sigillo communiri jussimus. Actum apud Westmonasterium decima quinta die Maii, anno supra millesimum sexcentesimum sexagesimo quinto, regnique nostri decimo septimo.

CAROLUS R.

TRANSLATION.

We, Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., wish to make known to all and singular whom it concerns or may in any way whatever concern, that whereas it has seemed good to the Most Serene and Most Potent prince, our dearest brother, friend, and ally, the lord Charles, by the same grace of God king and hereditary prince of the Swedes, Goths, and Vandals, great prince of Finland, duke of Scania, Esthonia, Livonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, also count palatine of the Rhine, duke of Bavaria, Jülich, Cleves, and Berg, for the purpose of promoting the common advantage of our respective kingdoms, states, and subjects to appoint commissioners with proper authority and full powers (as they are annexed to this treaty) to treat and conclude with our ambassador extraordinary, sent to Sweden for the same purpose, and similarly vested with full power—these commissioners indeed and our said ambassador extraordinary have met, and after everything had been discussed by both sides, finally undertook for their mutual good and security to conclude a closer friendship, and to frame the terms of alliance which are set forth in the following articles:

I, Henry Coventry, gentleman of the bedchamber of the said King of Great Britain, senator in the supreme council or Parliament of England, and land commissioner in the kingdom of Ireland, ambassador extraordinary of the Most Serene and Most Potent prince and lord, lord Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., my most clement master, to the also Most Serene and Most Potent prince and lord, lord Charles, by the same grace of God hereditary king and prince of

the Swedes, Goths, and Vandals, great prince of Finland, duke of Scania, Esthonia, Livonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, also count palatine of the Rhine, duke of Bavaria, Jülich, Cleves, and Berg, do declare and testify that whereas, on account of the pristine friendship between the two kingdoms of Great Britain and Sweden, begun many centuries ago and preserved, it has pleased the Most Serene King of Great Britain, my most clement master, to send me as ambassador to Sweden, with full powers to act, treat, and conclude, both in order that I might take the more pains to promote this friendship to an unusual degree, and that I might demonstrate the fraternal affection of his Most Serene Majesty towards the Most Serene and Most Potent King of the Swedes, and perform all the offices making for the mutual welfare of both kingdoms; and whereas the same Most Serene King of Sweden, disposed to like manifestations of affection towards the Most Serene King of Great Britain, not only has received this my embassy from my most clement master benevolently and kindly, but also as far as possible has used this occasion to confirm and strengthen this friendship, and in order that I might the more readily execute the mandates of the Most Serene King my most clement master, has deigned to appoint as his commissioners, with full powers to act, treat, and conclude, the most illustrious and excellent lord and the most distinguished and noble lords, the lord Matthias Biörnklou, hereditary lord in Elmehof, Vanstad, and Kongshamn, senator of his Sacred Royal Majesty and of the kingdom of Sweden, and councillor of the chancellery; the lord Israel Lagerfelt, hereditary lord of Wigbyholm and Lagerlunda, vice-president of the Royal General Commercial College, and Peter Julius Coyt, hereditary lord in Liungbygårdt and Bengtsboda, knight, aulic councillor of state of his Sacred Royal Majesty, and assessor of the General Commercial College; therefore when I the said envoy of the Most Serene King of Great Britain had met frequently with the said lords commissioners and plenipotentiaries of the Most Serene King of the Swedes, and after various discussions and conferences begun with them for this purpose had been held, and also the considerations and reasons brought forward by either side had been seriously weighed, at length we unanimously agreed upon the following articles of closer union and alliance, and consented to them in the name of our aforesaid kings:

1. Between his Sacred Royal Majesty of Great Britain and his royal heirs and successors on the one part, and his Sacred Royal Majesty of Sweden and his royal heirs and successors on the other part, and all and singular the kingdoms, dominions, provinces, islands, lands, colonies, cities, towns, peoples, citizens and inhabitants of both, and also in general all their subjects and vassals, as well those that now are, as those that shall be hereafter, there shall be a sincere, constant, and everlasting friendship, alliance, and good correspondence, both in Europe and outside it, especially in Africa and America, both by land and by sea and fresh waters, so that neither shall at all trouble the other, or the other's kingdoms, provinces, colonies, and subjects, wheresoever situated, nor shall they permit or consent that this be done by others, but they shall treat each other with sincere affection and with all love and benevolence.

. . . . . .

32. These pacts having been concluded by virtue of the accepted powers and mandates of both parties, they are to be ratified and approved by both their Royal Majesties of Great Britain and of Sweden in due and solemn form, and the instruments of their ratification are certainly to be presented within the space of two or three months reckoned from the time of the signing—the English ratification to the minister of his Royal Majesty of Sweden at London,

and the Swedish ratification to the minister of his Royal Majesty of Great Britain here at Stockholm.

To give greater certainty to all the aforesaid, and to strengthen this treaty or closer alliance, two copies have been made, one of which I, the English ambassador, have signed and secured with my seal, and I have exchanged it with the other, which the Swedish lords and plenipotentiaries had also signed and confirmed by their seals. Given at Stockholm on the first day of March, in the year of our Lord 1664 (according to the English style) or 1665 (according to the Swedish style).

HENRY COVENTRY.

We, therefore, Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., have commended, approved, and ratified in all their classes the aforesaid articles of alliance, as drawn in conformity with our commands, as by virtue of these presents we do commend, approve, and ratify them, promising in our own name and that of our kingdom, and by our royal word, that we will keep and fulfill all things inviolably and in good faith and that we will not allow them to be violated or contravened by our people or by any others whatsoever in any way. For the greater faith of which we have ordered these presents, signed by our hand, to be secured with the great seal of England. Done at Westminster, the fifteenth day of May, in the year 1665, and of our reign the seventeenth.

CHARLES, King.

55.

Treaty of peace, alliance, and commerce between Spain and Great Britain, concluded at Madrid, May 23, 1667, N. S. Ratification by Spain, September 21, 1667. [Ratification by Great Britain, September 11/21, 1667.]

INTRODUCTION.

After the marriage treaty of Charles II. with the Portuguese Infanta [1] had assured to Great Britain a great part of the East India trade, the British government sought to secure the trade of the West Indies by means of a treaty with Spain. Deeply interested in the success of the Company of Royal Adventurers trading into Africa, whose second charter (January 10, 1663) gave it a monopoly of the traffic in negroes on the West African coast, Charles desired to open to its cargoes the markets of Spanish America. But even if Spain could swallow such grievances as Britain's retention of Jamaica and the "rebel city" of Tangier, it could scarcely be friendly so long as British troops gave invaluable aid to Portugal in her protracted war of independence against Spain. Therefore, in the latter part of 1662, the British ambassador at Lisbon, Sir Richard Fanshawe, tried to adjust a peace between the Portuguese and Spanish crowns.[2]

Spain seemed headed for disaster. Louis XIV. designed to seize the Spanish Netherlands, and eventually to override his queen's renunciation of the succession to the Spanish throne; and it looked as though the contest for the succession would begin soon; for the King of Spain was in failing health, and the heir-apparent a weakling. In May, 1663, the Spanish army was routed by Anglo-Portuguese forces. Spain's maritime strength had so declined that she could not defend her American colonies from the attacks of Jamaican privateers, or furnish them with the goods that the Dutch of Curaçao were glad illicitly to provide. She had relaxed her rules so far as to concede to two Genoese, Grillo and Lomelin, the sole right of supplying these colonies with slaves, and even of procuring these, if necessary, from the French, English, and Dutch.[3] In Europe, the skillful diplomacy of Louis XIV. and De Lionne had left her politically isolated.

In spite, therefore, of her grievances against the British, both in Europe and in the West Indies, she welcomed Fanshawe when he came as ambassador

[1] Doc. **50.**

[2] Fanshawe wrote to Clarendon on Oct. 21/31, 1662: "I assure your Lordship I see no hopes of effecting anything unless the Spaniard be either treated or beaten into a peace. . . . I know many wise men think it would be better for our king to await the death of the king of Spain and then do what we like in the West Indies while the Spaniards are at broils among themselves, but before that Portugal might be overrun or have her hands tied by a peace." Hist. MSS. Comm., *Heathcote MSS.* (1899), pp. 38, 39.

[3] On the asiento of Grillo and Lomelin, see Scelle, *La Traite Négrière,* I. 495-527.

to Spain in the spring of 1664. Fanshawe was instructed [4] to ask Spain to send an ambassador to England; seek reparation for wrongs done to English merchants trading to the Iberian peninsula; and adjust a treaty of peace and commerce. He was to lay stress on Spain's inability to maintain intercourse with the West Indies, and on the unprecedented maritime strength of Great Britain, which put her in a position to demand not only the greatest advantages granted by Spain to any other nation, but also such further concessions as might induce her to support the tottering Spanish throne. Arguing that France, intending to attack Spain, desired the continuance of the Spanish-Portuguese war, he was to persuade Spain to conclude a peace or truce with Portugal, by the mediation of Great Britain. In return for England's alliance with Spain, he was to demand free trade to the West Indies, at least for a certain number of ships; and he was also authorized on behalf of the Royal Adventurers trading into Africa to offer to supply Grillo with more negroes than were called for in a contract made in the preceding year. He was to impress Grillo with the importance of the company. If opportunity arose, he was to persuade the Spanish government to give the asiento to the English, in exchange for some equivalent. He was to point out that it was better that the British should be permitted to trade with the West Indies, than that the Spanish Americans should themselves open their ports to all nations.

After his first private audience with Philip IV., on June 15/25, Fanshawe treated with Spain's principal minister, the Duke of Medina de las Torres. As the basis for articles of peace and commerce, Medina offered the treaty of 1630, the last concluded between the crowns.[5] He asked for nothing more than the observance of this treaty, which he maintained that the English had violated by aiding Portugal, contrary to the stipulation that neither power was to assist the rebels of the other, and by committing depredations in the West Indies or even, he implied, by entering those seas.[6] Fanshawe refused to accept the treaty of 1630 as a pattern for the new.[7] Moreover he took the position that it had not established peace beyond the Line, *i. e.*, the tropic of Cancer. Evidence for this was the fact that the English were not at liberty to enter or trade in the Spanish ports in those regions.[8] There the rule had always prevailed that the stronger nation did violence to the weaker without breach of treaties.[9] He expressed to his home government the fear lest the orders given by King Charles and the governor of Jamaica for the restraint and punishment of the privateers might seem an acknowledgement that the West Indies were em-

[4] His instructions are printed in *Original Letters of Sir Richard Fanshawe* (1702), pp. 1-21. The text in *Arlington's Letters* (II. 1-12) is very incomplete, as are indeed many other of the documents in that untrustworthy collection.

[5] *Original Letters of Sir Richard Fanshawe,* pp. 125, 231, 247. The treaty of 1630 is printed in part in Davenport, *Treaties to 1648,* Doc. **35.**

[6] *Original Letters,* pp. 128, 150-154, and *cf.* pp. 312-313. For accounts of these depredations, see Haring's *Buccaneers,* pp. 104 ff., and Barbour's "Privateers and Pirates", in *Am. Hist. Rev.,* XVI. 542 ff.

[7] *Original Letters,* pp. 213, 250, 251.

[8] *Ibid.,* p. 112.

[9] *Ibid.,* p. 250.

braced in the peace. Why, he argued, should not the English have the right of reprisal in those seas while the Spaniards claimed it?[10]

On November 4, 1664, Fanshawe sent Medina articles for a treaty. They were almost identical with those that in 1652 the Council of State of the Commonwealth had offered to the Spanish ambassador Cardenas.[11] They permitted the English to import into Spain the products of the English colonies, and commodities bought by English factors on this side or beyond the Cape of Good Hope (art. 7), and stipulated that the subjects of either crown might freely enter and trade in each other's dominions, not only in Europe but also in America, Asia, and Africa, any law to the contrary notwithstanding (art. 8). On the last day of the year, Medina, who had previously revived the question of restoring Jamaica to Spain, for compensation, and was treating Fanshawe with growing coolness, rejected these proposals.[12]

Meanwhile Fanshawe, blocked elsewhere and threatening to return home, was trying to adjust articles on behalf of Portugal. Taking up the matter with Medina in October, he declared that Britain, although willing to conclude peace and commerce with Spain, would never enter into a strong alliance with her so long as she remained at war with Portugal.[13] It was replied that unless England ceased to aid Portugal, Spain would make war on her;[14] yet Philip IV. permitted Fanshawe to despatch an agent to Portugal to learn her king's mind in regard to peace with Spain.[15]

For some months of the year 1665, negotiations were at a standstill. Fanshawe displeased his master by overdoing his threats to withdraw;[16] yet he obtained no concessions from Spain, which saw England in conflict with the Dutch and in unstable relations with France.

On June 18, Anglo-Portuguese forces shattered Spain's military strength at Villa Viçosa, a mortal blow to the King of Spain, who died on September 17, leaving the government in the hands of the queen mother Mariana of Austria and a small Council of State.

After the death of Philip IV. and probably also on account of English successes against the Dutch, the Spanish government became more pliable.[17] On December 7/17, Fanshawe and Medina signed a treaty of peace and commerce.[18] This stipulated that the treaty of 1630 should remain in force, and added new articles for its better explication and extension. Its concessions relative to the West Indies fell short of those proposed by Fanshawe on November 4, 1664, yet were considerable, for the twenty-first article provided that the British should enjoy in both Indies, as well as in all other parts, all that the

[10] *Original Letters,* pp. 149 ff., 174, 235, etc.
[11] Fanshawe's articles are in *Original Letters,* pp. 326-343; those proposed to Cardenas are *ibid.,* pp. 469-510. References to Cardenas are in Doc. **47,** introduction.
[12] *Original Letters,* p. 391.
[13] *Ibid.,* p. 281.
[14] *Ibid.,* pp. 304, 305.
[15] *Ibid.,* p. 453.
[16] *Ibid.,* pp. 404-464, *passim.*
[17] *Arlington's Letters,* II. 97.
[18] The test is *ibid.,* II. 114-160, and in Abreu y Bertodano, *Colección de Tratados: Reynado de Carlos II.,* I. 1-17.

crown of Spain had granted to the Dutch by their treaty of Münster in 1648.[19] Since the fifth article of that treaty stipulated that the States should remain in possession of the lands and commerce that they actually possessed in the East and West Indies, Fanshawe's article acknowledged the right of the English to retain Jamaica and their other American possessions.

His treaty conceded to the English as ample privileges in all other respects also as had been granted by Spain to the Dutch. In addition to the treaty of peace and commerce were secret articles providing that England should adjust a thirty years' truce with Portugal.[20]

Fanshawe had signed his treaty in ignorance of the progress of parallel negotiations carried on between the Spanish ambassadors in London and English commissioners.[21] Some important despatches concerning these negotiations, and instructions for himself, failed to reach him until long after his treaty was signed.[22] Great, then, was his chagrin when his articles were not ratified,[23] and when, in May, 1666, Lord Sandwich arrived in Madrid as ambassador extraordinary to take over the negotiations.

Sandwich had a threefold mission—to conclude a treaty of peace and commerce, based on Fanshawe's, but with corrections and amplifications; to procure an accommodation between Spain and Portugal; and finally, after accomplishing these objects, to form an offensive and defensive alliance.[24] With regard to the articles of peace and commerce, no considerable difficulties arose. Far otherwise with respect to Portugal. That country demanded peace, and Spain's recognition of the right of her ruler to the title of king. The Spanish commissioners—the Duke of Medina, the Count of Peñaranda, and the inquisitor general, Everard Nithard, an Austrian and confessor to the queen—urged that the King of England was in honor bound to ratify Fanshaw's articles for a truce.[25] They would not assent to a peace, and demanded that England agree not to assist Spain's enemies or rebels. The diplomatic efforts of Sandwich at Madrid and of Sir Robert Southwell at Lisbon were continually hampered by the activities of the representatives of France at these courts. At Madrid, D'Embrun's [26] protestations of friendship won amazing credence; at Lisbon Saint-Romain [27] achieved important results. In August, 1666, the

[19] The text is printed in part in *Treaties to 1648,* Doc. **40.**

[20] The articles are in Abreu y Bertodano, *op. cit.,* pp. 17-27.

[21] The ambassador was the Count de Molina, who arrived in London in April, 1665. The commissioners were the Chancellor (Lord Clarendon), the Duke of York, the Lord Treasurer (the Earl of Southampton), and Lord Arlington, Secretary of State.

[22] *Memoirs of Ann Lady Fanshawe* (ed. 1907), app. IV., pp. 234 ff.

[23] Reasons alleged for not ratifying them were that they were written in Spanish instead of in Latin; that the commercial treaty contained "many things . . . very inconvenient and perplext"; and that it might be so construed as to permit Spain to evade the Navigation Act, and the Dutch to develop their carrying trade at England's expense. Harris, *Life of Sandwich,* II. 46-48.

[24] The originals of Sandwich's instructions are in the Carte MSS. *Cf.* Harris, *op. cit.,* pp. 45-48.

[25] P. R. O., St. Pap. For., Spain, no. 52. From Sandwich, Sept. 14, Sept. 19/29, 1666.

[26] Much of D'Embrun's correspondence is in Mignet, *Négociations relatives à la Succession d'Espagne sous Louis XIV.,* vol. I., *passim.*

[27] For Saint-Romain's embassy, see Vicomte de Caix de Saint-Aymour, *Portugal* (1886), pp. 87-115, in the *Recueil des Instructions données aux Ambassadeurs et Ministres de France.*

French bride of the King of Portugal entered Lisbon; and French influence became uppermost. On March 31, 1667, Portugal signed an offensive and defensive league for ten years with France against Spain.[28]

Towards the end of the year 1666, the Spaniards, disillusioned at last as to France, turned to Great Britain. They would sign the treaty of commerce, if Britain would admit a separate article stipulating that neither power aid the other's enemies. Under the changed circumstances, the English readily consented.[29] A treaty providing for a forty-five years' truce between Spain and Portugal, to be mediated by Great Britain, was also arranged. On May 13/23, 1667, the two treaties and the separate article were signed.[30]

In the treaty of peace and commerce, the seventh article, permitting the British to carry into Spain English colonial products and goods bought by their agents on either side of the Cape of Good Hope, was an amplification of the seventh article of Fanshawe's draft of November 4, 1664, which was omitted from his treaty. The eighth article, based on the twenty-first of Fanshawe's treaty, allowed the British to import the products of their East Indian colonies into Spain, and extended to them in all parts of the world the privileges granted to the Dutch by the treaty of Münster. The concession to the subjects

[28] The text is in J. F. Borges de Castro, *Collecção dos Tratados de Portugal desde 1640* (1856-1858), I. 338-353; and Abreu y Bertodano, *op. cit.*, pp. 118-128. The treaty provided *inter alia* that, as soon as peace was signed between France and England, or at latest within thirty months, France should attack Castile; that the treaty should be in force for ten years; that there should be an offensive and defensive alliance between France and Portugal against Castile and her adherents (except England and Sweden) from the beginning of the Franco-Castilian war to the end of the ten-year period, until a common peace should be made which should give France satisfaction touching the places in the Low Countries claimed by the Queen of France by right of succession and devolution, and which should recognize the royal dignity of Portugal by public treaty as between equal kings, and should restore to Portugal and France respectively the places belonging to them and occupied by Castile. During the said ten years neither king was to negotiate or conclude any peace or truce with Castile save by common consent. French subjects, particularly merchants, were to enjoy in all places, subject to the King of Portugal on both sides of the Line, all the privileges accorded to the English and Dutch in their most recent treaties with Portugal. *Vice versa,* the Portuguese should enjoy in all places subject to the King of France all the privileges accorded in Portugal to the French by this treaty. The King of Portugal was to receive within all his ports, in all parts of the world, all French ships, and expressly those of the East and West India Companies, and was to favor the trade of these companies, and of the French nation. Princes and states desiring to enter into this alliance were to be admitted, especially the kings of England and Sweden. Before and after the conclusion of peace with England, the King of France would try to compose the differences between the United Provinces and Portugal, and especially to bring about the restoration of Cochim and Cananor to the King of Portugal, and to have a special article about it inserted in the treaty of peace between the English and Dutch.

[29] On Aug. 23, 1666, Arlington instructed Sandwich that if the Spaniards continued to refuse Portugal's demands he was to lay that point aside and offer a treaty of common alliance and commerce. *Arlington's Letters,* II. 191.

[30] The treaty for a truce with Portugal is printed in *Arlington's Letters,* II. 236-254, and in Abreu y Bertodano, *op. cit.*, pp. 194-200. During the forty-five years of the truce all hostilities were to cease between Spain and Portugal in their dominions, and their subjects were to enjoy the benefit of it, without exception of places or persons. Each crown should retain the places in its possession; the subjects of each might freely enter and trade in the dominions of the other in *Europe,* or elsewhere where subjects of other states freely exercised the same right. Peace would not begin within the Indies for a year. The separate article is printed in Abreu y Bertodano, *op. cit.*, pp. 189-191, and in *Arlington's Letters,* II. 254-256.

of either power of all the privileges granted to any other nation was more fully expressed in the thirty-eighth article than in the twenty-first of Fanshawe's treaty.

The treaty was received with the greatest satisfaction by the statesmen and merchants of England.[31] It benefited the East India Company, for whose ships Sandwich later obtained the right to provision in the Philippines.[32] It is of prime importance in American history since, by conceding to the British the prerogatives earlier yielded to the Dutch, Spain hereby acknowledged for the first time Great Britain's right to the trade and territory possessed by her in America.

Bibliography.

Text: MS. Original manuscripts of the protocol and ratification are in the London P. R. O., St. Pap. For., Treaties, nos. 466, 467.

Text: Printed. J. A. de Abreu y Bertodano, *Colección de los Tratados de España* (1751-1752), I. 145-189.

Translations: English. G. Chalmers, *Collection of Treaties between Great Britain and other Powers* (1790), II. 5-34 (see note 37, *post*); L. Hertslet, *Complete Collection of Treaties* (1827-), II. 140-157. **French.** J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 27-33. **Spanish.** Abreu, *loc. cit.*

References: Contemporary and early writings. Sir Richard Fanshawe, *Original Letters during Embassies in Spain and Portugal* (1702); *Original Letters and Negotiations of Sir R. F., the Earl of Sandwich, the Earl of Sunderland, and Sir W. Godolphin, with the Several Letters and Answers of the Lord Chancellor Hyde, the Lord Arlington, etc.* (two vols., 1724; the first volume is the same as *Original Letters,* 1702, except the title-page); Ann Harrison Fanshawe, *Memoirs of Lady Fanshawe, with Extracts from the Correspondence of Sir Richard Fanshawe* (ed. Sir N. H. Nicolas, 1830); *Memoirs of Ann Lady Fanshawe* (ed. 1907), app. IV., *passim*; Hist. MSS. Comm., *J. M. Heathcote MSS.* (1899), pp. 140-255, *passim* (Fanshawe correspondence); T. Bebington, *The Right Honourable the Earl of Arlington's Letters* (1701), II. 1-270; *A Secret Collection of the Affairs of Spain: the Letters of Lord Sandwich and others* (1720); T. H. Lister, *Edward, First Earl of Clarendon* (1838), III. 436-440, 460, 465, 466; F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne sous Louis XIV.* (1835-1842), I. 421-549, *passim,* in *Collection de Documents Inédits sur l'Histoire de France.*

References: Later writings. F. R. Harris, *Life of Edward Mountagu, K. G., First Earl of Sandwich* (1912), vol. II., chs. X., XI.; *Memoirs of Ann Lady Fanshawe* (ed. 1907), app. IV., pp. 234-251; F. A. A. Mignet, *loc. cit.*; V. Barbour, *Henry Bennet, Earl of Arlington* (1914), pp. 74, 75, 81-92, *passim,* 119, 120; *id.,* "Privateers and Pirates of the West Indies", in *Am. Hist. Rev.,* XVI. (1911) 542-554; C. H. Haring, *Buccaneers in the West Indies in the XVII. Century* (1910), pp. 120-142.

[31] Harris, *op. cit.,* II. 107, 108.
[32] *Ibid.,* p. 103.

TEXT.[33]

Carolus Secundus Dei gratia Hispaniarum etc., rex, et Serenissima Regina Maria Anna Austriaca, etc., Notum facimus per praesentes nostras literas approbationis, ratihabitionis, et confirmationis, quod vicesimo tertio die mensis Maii anni praesentis millesimi sexcentesimi sexagesimi septimi apud palatium nostrum Matriti tractatus pacis, commercii atque arctioris amicitiae inter nos praefatum Serenissimum ac Potentissimum Regem atque Reginam Hispaniarum ab una, et Serenissimum ac Potentissimum Carolum Secundum Magnae Britanniae regem, etc., fratrem consanguineum et amicum nostrum charissimum ab altera parte factus, initus, et conclusus fuit tenore sequenti:

Quandoquidem post excessum Serenissimi ac Potentissimi Philippi Quarti Hispaniarum Regis gloriosae memoriae Serenissimus ac Potentissimus Rex Catholicus Carolus Secundus ejus filius in regna, status, et dominia monarchiae paternae Deo Optimo Maximo ita disponente successit, Serenissimaque Regina Catholica Domina Maria Anna Austriaca in tutricem et curatricem ad eorundem gubernationem et regimen, durantibus regis minoribus annis, vocata est, exoptatissimum utrinque mutuoque studio ac desiderio permotis Serenissimis ac Potentissimis Regi ac Reginae Catholicis, et Serenissimo ac Potentissimo Carolo Secundo Magnae Britanniae Regi visum est bonam illam correspondentiam et amicitiam reciprocam coronas inter, hinc Hispaniarum, illinc Magnae Britanniae ab antiquissimis temporibus vigentem, usquedum rerum vicissitudines concordiam et necessitudinem quae alteri genti cum altera intercesserat, labefactarunt, renovare tandem et novis accessionibus confirmare, tam quod mutua commerciorum frequentia, ac commoda, quam utriusqne gentis ingenia singularem quandam animorum ac consilii unionem postulare videantur, eumque in finem dictus Serenissimus Rex Magnae Britanniae virum excellentissimum Edwardum comitem de Sandwich, vice-comitem de Hinchingbrooke, baronem Montacutium de Sancto Neote, Angliae vice admirallum, magnae guarderobae regiae magistrum, consiliarium status et nobillissimi celeberrimique Ordinis Periscelidis equitem, legatum suum extraordinarium ad Catholicas Majestates misit, ut non tantum pristina inter dictas coronas necessitudinis vincula, iniquitate temporum dissoluta, redintegraret denuo, sed et arctiori nexu constringeret, et nova ad huc stabiliori amicitiae fundamenta per mutui foederis tabulas poneret, ad seros usque posteros duratura, dictumque legatum plenissima facultate munivit, cujus copia infra inseretur.

Ea autem animorum propensione negotiatio dicti legati extraordinarii in aula Catholica excepta est, ut Serenissimae Reginae tutrici et gubernatrici Regis visum fuerit ad tractatum cum ipso ineundum et concludendum nominare excellentissimos viros dominum Joannem Eberardum Nidardum confessarium Serenissimae Reginae Catholicae, inquisitorem generalem et consiliarium status, dominum Ramirum Phelipez Nuñez de Guzman, ducem de San Lucar la Mayor et de Medina de las Torres, conciliarium status et praesidem Italiae, et dominum Gasparem de Bracamonte et Guzman, comitem Peñarandae, consiliarium status et praesidem Indiarum, quibus concessa est facultas et commissio cujus tenor talis est:

[Here follow the full powers granted by the King of Spain to his commissioners on June 15, 1666; and by the King of Great Britain to his ambassador extraordinary on February 16/26, 1665/6.]

[33] The test is from the original ratification, in the London Public Record Office, St. Pap. For., Treaties, no. 467.

In nomine Sanctissimae Trinitatis, Patris, Filii, et Spiritus Sancti, trium distinctarum personarum, et unius solius veri Dei.

1. Imprimis conventum et concordatum est, quod inter coronam Hispaniarum ex una, et coronam Magnae Britanniae ex altera parte, ut et inter terras, regiones, regna, dominia, et territoria ad regum praedictorum alterutrum spectantia, eisdemve obtemperantia, universalis, bona, sincera, vera, firma, ac perfecta amicitia, confoederatio, et pax erit, quae ab hoc die in perpetuum durabit, et tam terra quam mari atque ubivis aquarum inviolabiliter observabitur: Quodque regum praedictorum subditi, populi, ditionumque suarum incolae, cujuscunque gradus aut conditionis fuerint, mutua hinc inde opera, mutuis auxiliis, mutuisque benevolentiae et amicitiae omne genus officiis invicem demerebuntur.

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4. Quod inter Regem Hispaniarum, et Regem Magnae Britanniae, ut et inter utriusque subditos, populos, et incolas, tam mari quam terra atque ubilibet aquarum, per universa et singula regna, regiones, territoria, provincias, insulas, colonias, civitates, oppida, pagos, portus, fluvios, crepidines, sinus, freta, et aquarum fluenta alterutrius regis imperio obtemperantia, ubi negotiatio aut commercium ullo antehac tempore exerceri consuevit, libera dabitur hinc inde negotiandi copia, et commercia omnis generis instituendi et exercendi facultas; ita ut absque literis salvi-conductus, aut alia licentia sive generalis sive specialis forma[e], populi et subditi alterutrinque possint tam per terram, quam per mare et aquas lenes libere navigare et iter facere in regiones, regna, dominia, civitates, portus, aquarum fluenta, aestuaria, districtus, et alia loca quaecunque confoederatorum alterutri obtemperantia, portus etiam quoscunque visum fuerit intrare et ingredi cum navibus, sive onustis sive vacuis, aliisque onerariarum et vehiculorum speciebus quibuscunque, necnon ubi intraverint mercimoniis cujuscunque demum generis emendis, vendendis, permutandis, ad quantum libet valorem seu quantitatem vacare; victualia etiam et omne genus commeatum, sive vitae sustinendo sive itineri faciendo necessarium, aequo et consueto pretio sibi comparare; navibus item suis aliisque onerariis et vehiculis tum resarciendis tum instruendis incumbere; migrare item loco, et cum navibus suis aliisque onerariis, bonis, mercimoniis, et facultatibus, quocunque visum fuerit, libere discedere, sive ad suos redeundum sive alio migrandum duxerint, sine ulla molestatione, inquietatione, aut impedimento dato, salvis semper hinc illinc juribus, vectigalibus, et portoriis imperandis et solvendis, salvis etiam legibus et ordinationibus per dominia et ditiones singulas utriusque regis sancitis et observatis.

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7. Quod licitum erit et integrum subditis Regis Magnae Britanniae tam in mercibus importandis quam exportandis per Hispaniam, aliasque terras et dominia Regi Hispaniarum obtemperantia quaecunque, ubi negotiationem et commercia exercere ante hac consueverunt, mercaturam facere; merces item omnis generis, pannos, res, et mercimonia manufacta e Britanniarum insulis advecta, necnon mercimonia manufacta, bona, fructus, et species insulis, urbibus, aut coloniis Regis Magnae Britanniae imperio subditis oriundas, ut et omnia illa bona, quae a subditorum praedictorum factoribus seu negotiorum gestoribus, vel cis promontorium illud Caput Bonae Spei (de Buena Esperanca vulgo vocatum) vel etiam ultra illud promontorium coempta fuerint, venundare et distrahere absque ulla obligatione significandi vel manifestandi quibusnam personis quove pretio mercimonia illa, aut commeatum quem habebant, vendiderint; ut et absque vexatione aut molestia ulla cuiquam illata ob errores, qui a navarchis aut aliis quibuscunque circa mercium seu bonorum istius modi in

publicas tabulas relationem committi solent. Subditi etiam praedicti e dominiis Regis Hispaniarum pro libitu suo remeabunt, et in quaecunque velint Regis Magnae Britanniae territoria, insulas, dominia, aut regiones, aut in ulla alia, si maluerint, loca cum omnibus suis bonis, facultatibus, et mercimoniis, solutis prius vectigalibus et portoriis juxta praecedentes articulos exigendis, libere discedent. Porro siquid forte mercium, quas devehunt, ad huc restat in portu ubi subsistunt, quod exoneratum nollent, illud penes se detinere et servare secumque in navibus suis aut navigiis quibuscunque auferre poterunt, nihilo prorsus nomine vectigalis aut portorii soluto, pari omnino cum immunitate ac si portus aut oras maritimas Regis Catholici nullatenus attigissent aut appropinquassent. Omnia denique bona, facultates, merces, naves, aut alia navigia intra dominia et loca Regis Magnae Britanniae nomine praedae adducta, et pro praeda legitima judicialiter pronunciata et condemnata, tanquam merces et bona Britanniarum insulis oriunda vigore huius articuli censebuntur et reputabuntur.

8. Quod subditi et vassalli Serenissimi Regis Magnae Britanniae fructus, merces, et mercimonia quaecunque Indiae Orientalis in quaecunque velint dominia Regi Hispaniarum Serenissimo obtemperantia advehere et importare libere possint, modo constiterit ex testimonio deputatorum nomine societatis Indiae Orientalis praedictae Londini agentium quod fructus et mercimonia praedicta ex conquaestubus, coloniis, vel factoriis Anglorum advecta vel oriunda sunt, pari prorsus ratione et privilegio atque secundum formam, tenorem, et effectum ordinationum et concessionum, quae in favorem vassallorum Provinciarum Belgii Inferioris Foederatarum in schedulis regiis circa merces prohibitas sive contrabandae, vigesimo septimo Junii et tertio Julii anno millesimo sexcentisimo sexagesimo tertio datis, et trigesimo Junii et quarto Julii anni praedicti promulgatis, emanarunt. Quod autem ad utrasque Indias aliasque partes quascunque attinet, corona Hispaniarum omne id concessum et impertitum vult Regi Magnae Britanniae et vassallis ejus, quod Ordinibus Provinciarum Belgii Inferioris Confoederatarum per tractatum Monasterii [34] anno millesimo sexcentesimo quadragesimo octavo celebratum concessum est, non minus firmiter et ample quam si de capitulo in capitulum et puncto in punctum, nihilo prorsus omisso, huc transcriberetur: Observandis iisdem legibus quibus subditi dictorum Ordinum tenentur et restringuntur, mutuaque amicitia hinc inde colenda.

9. Subditi Regis Magnae Britanniae negotiationi, emptioni, et venditioni mercium quarumcunque vacantes intra dominia, praefecturas, insulas, aut territoria Regis Hispaniarum gaudebunt et fruentur privilegiis illis omnibus et immunitatibus quae per Regem Catholicum in gratiam mercatorum Anglorum per Andaluziam diversantium in schedulis regiis sive ordinationibus decimo nono die mensis Martii, vigesimo sexto Junii, et nono Novembris anno Domini millesimo sexcentesimo quadragesimo quinto datis, concessae, et confirmatae sunt: Quas quidem schedulas sua Majestas Catholica ratihabitas et tanquam hujus tractatus partem integralem receptas et confirmatas esse jubet. Quo autem universis hoc innotescat, conclusum est quod praedictae schedulae sive ordinationes regiae (quoad earundem substantialia sive vim et effectum) in numerum horum articulorum migrabunt et cooptabuntur, et in usum atque commodum omnium et singulorum subditorum Regis Magnae Britanniae, qui

[34] *Treaties to 1648*, Doc. **40**, pp. 361-366.

in loco quocunque ad dominia Regis Catholici spectante commorantur aut negotiantur, maximo quam fieri potest cum favore extendentur.[35]

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29. Quod regis alterutrius subditi, populi, et incolae mercimonia sua intra dominia, territoria, regiones, aut colonias alterius regis venum exposita, nummis aereis aut cupreis vendere aut distrahere nullatenus cogentur; neque eadem nummis aut rebus aliis quibuscunque quam quae ipsis allubuerit permutare aut pretium rei venditae ulla alia specie quam illa de qua stipulatum et conventum est recipere, lege aut consuetudine quacunque, quae tenori hujus articuli adversari possit, non obstante.[36]

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38. Conventum et conclusum est quod populi et subditi alterutrius confoederatorum praedictorum in terris, maribus, portubus, navium stationibus, aestuariis, et territoriis alterius, aliisque quibuscunque locis, iisdem plane privilegiis, securitatibus, libertatibus, et immunitatibus, sive personas eorum sive negotiationes spectantibus, gaudebunt et fruentur, quae jam concessae aut imposterum concedendae sunt per regum praedictorum alterutrum aut Regi Christianissimo aut Ordinibus Generalibus Provinciarum Belgii Foederatarum, aut civitatibus Hanseaticis, aut regno vel statui alii cuicunque per suos tractatus aut schedulas regias, cum omnibus istiusmodi concessionum sententiis et clausulis, sive beneficium aliquod sive favorem spondentibus, in modo et forma adeo ampla, atque ad omnem contractus initi et ratihabiti affectum valente, ac si eaedem in hunc tractatum verbatim transcriptae et insertae essent.

39. Sin autem controversiam aliquam super dictis articulis de commerciorum ratione statuentibus ab officiariis admiralitatis aut aliis personis quibuscunque in alterutro regno agentibus moveri contingat, querela per partem interesse habentem ad Regiam Majestatem, aut saltem aliquem consiliarium regium delata, rex coram quo agitur curabit ut damna sine mora resarciantur, et ut

[35] Annexed to the treaty of peace and commerce is the copy of a patent setting forth the privileges mentioned in and confirmed by this article. The patent, as translated by Godolphin, contains the following passage:

"And forasmuch as many of you do treat to bring into the ports of Andaluzia, the city of Sivil [Seville] and other places, great quantity of Newfoundland fish and other sorts of dry and salted fish, because they are victuals which are very necessary; and that you have been and are put to great charges, and are much troubled, I do will and command to be kept the Ordinance of the city of Sivil, whereby it is ordained, that those which come in with dry or salted fish, there shall not be any price or rate set upon them, but they shall be permitted to sell at such a price as they shall think good, and it shall not be necessary to manifest them any more than unto my officers which receive my Royal rents; and if the ships wherein the said fish is brought be great ships, that they can not go up the river, and that the same be put into barques or lighters, the judge of the Admiralty nor any other person may not put any waiters or keepers into the barques or lighters, at the charge of the owners of them.

"And I do also command that if the said fish shall appear to be rotten, and that it cannot be spent, that it be burnt, or thrown into the sea, and that for this cause there shall not be any cause or action commenced against the owners thereof or persons which shall sell it; nor they shall not be imprisoned nor informed against, and forasmuch as the administors of the Customs, and others of diverse duties which are receiv'd for the fruits and merchandises, do use when any body does inform, to have the person imprisoned which shows himself to be party, whereby happeneth to men of trade great discredit, charges and vexations, my will is, and I do command, that in the said information, there shall be only proceeded against the merchandises and not against the persons; but they shall be permitted (as I do permit them) to make, and they shall make their defences in the said vexation."

[36] The currency was greatly debased at this time. M. Colmeiro, *Historia de la Economia Politica en España*, II. 492.

singula, sicuti superius concordatum est, executionem et effectum debitum sortiantur. Et si forte tractu temporis fraudes aliquae aut inconvenientiae se prodant in commerciis et navigatione, quibus non satis ex his articulis provisum sit et cautum, aliae praecautiones adhiberi poterunt, quae rationi consonae utrinque videbuntur, manente tamen praesente tractatu in sua vi et vigore.

40. Item concordatum et conclusum est, quod dicti Serenissimi Reges Hispaniarum et Magnae Britanniae omnia et singula capitula in praesenti tractatu conventa et stabilita sincere ac bona fide observabunt, per suosque subditos et incolas observari et custodiri facient, neque illis directe vel indirecte contravenient aut per suos subditos et incolas ut contraveniantur consentient; Omniaque et singula, ut supra conventa, per patentes utrinque literas in sufficienti, valida, et efficaci forma conceptas et confectas ratahabebunt et confirmabunt, easdemque reciproce tradent tradive facient bona fide et realiter intra quatuor menses a data praesentium numerandos, et curabunt exinde praesentem pacem et amicitiam locis et forma consuetis (quam primum fieri poterit) publicari. In quorum omnium et singulorum fidem nos, supramemorati commissarii Serenissimorum Regis ac Reginae Hispaniae et legatus extraordinarius Serenissimi Regis Magnae Britanniae, praesentem tractatum manibus nostris et sigillis mutuis sub-signavimus et munivimus. Matriti vigesima tertia die Maii anno Domini millesimo sexcentesimo sexagesimo septimo.

J. Eberardo Nidardo. El Duque, Duque, y Conde de Oñate. El Conde de Penaranda. Sandwich.

. . . . . .

Quem tractatum superius exaratum et insertum nobis a praefatis commissariis ac plenipotentiariis nostris exhibitum, postquam visus et in consilio nostro mature examinatus esset, pro nobis et Serenissimo Hispaniarum etc., Rege Carolo Secundo filio nostro charissimo, proque haeredibus et successoribus ejus necnon vassallis, subditis, et incolis regnorum, ditionum, ac dominiorum nostrorum, et totum ejus contentum et quodcunque ejus punctum separatim ut bonum, firmum, et stabilem acceptavimus, approbavimus, et ratificavimus, et per praesentes acceptamus, approbamus, et ratificamus, spondentes verbo ac fide regia, et dicti Serenissimi Regis filii nostri nomine locoque nec non haeredum ac successorum ejus, dictum nos tractatum juxta formam et tenorem suum constanter ac inviolabiliter observaturos et perfecturos, atque ut observetur et perficiatur curaturos esse, eo modo ac si eundem in propria persona nostra tractassemus, neque ulla quacunque tandem ratione sive directa sive indirecta contraventuros, neque ut ab aliis contraveniatur permissuros esse: Et siquidem ulla contraventio facta sit vel ad huc fieret, quo vis modo, illud nos reparaturos sine ulla difficultate vel mora; quinetiam transgressores gravi supplicio affecturos, vel ut afficiantur curaturos esse; cum obstrictione in eum finem atque obligatione dicti Serenissimi Regis Catholici filii nostri charissimi, atque haeredum, successorum, posterorumque ejus, quinetiam omnium et singulorum regnorum, regionum, et dominiorum nostrorum nullis exceptis, ut et omnium aliorum bonorum nostrorum praesentium et futurorum. Quo autem supradicta obligatio eo magis confirmetur, legibus, consuetudinibus, et exceptionibus quibuscunque contra facientibus vel adversantibus renunciamus. In eorum autem omnium quae supradicta sunt fidem et testimonium jussimus expediri praesentes literas propria nostra manu subscriptas ac sigillo nostro secreto munitas manuque secretarii nostri status subsignatas, die vigesimo primo mensis Septembris anno Domini millesimo sexcentesimo sexagesimo septimo.

Yo la Reyna.

D. Pedro Fernandez del Campo y Angulo.

TRANSLATION.[37]

We, Charles the Second, by the grace of God king of Spain, etc., and the Most Serene Queen Mariana of Austria, etc., make known by our present letters of approval, ratification, and confirmation, that on the twenty-third day of May of the present year 1667, in our palace at Madrid, a treaty of peace, commerce, and closer friendship between us the aforesaid Most Serene and Potent King and Queen of Spain on the one hand, and the Most Serene and Potent Charles II., king of Great Britain, etc., our brother and most dear friend, on the other hand, was made, entered into, and concluded as follows:

Inasmuch as after the death of the Most Serene and Potent Philip IV., of glorious memory, king of Spain, the Most Serene and Potent Catholic King Charles II. his son succeeded to the kingdoms, states, and dominions of the paternal monarchy, God the Best and Greatest so disposing, and the Most Serene and Catholic Queen Lady Mariana of Austria was called as guardian and curator to the command and guidance of the same, during the minority of the king, it was a thing greatly desired on both sides, and seemed good to the Most Serene and Potent Catholic King and Queen and the Most Serene and Potent Charles II., king of Great Britain, moved by mutual desire and longing, to renew at length that good correspondence and reciprocal friendship between the crowns of Spain on the one hand, and of Great Britain on the other hand, flourishing from the most ancient times up to the time when the vicissitudes of affairs disturbed the harmony and friendship which had existed between the two nations, and to confirm it by new agreements, because both the great amount and profits of trade enjoyed by both sides and the genius of both nations seem to demand a certain singular union of minds and counsel; and for this purpose the said Most Serene King of Great Britain has sent the most excellent Edward earl of Sandwich, viscount Hinchinbroke, baron Mountagu of St. Neots, vice-admiral of England, and master of the great royal wardrobe, councillor of state, and knight of the most noble and celebrated Order of the Garter, as his ambassador extraordinary to their Catholic Majesties, in order that he might not only renew the bonds of former friendship between the said crowns, dissolved by the iniquity of the times, but also that he might bind them by a stronger tie and lay new foundations for a still stronger friendship through the articles of mutual alliance, which would last even to the remote future, and he has provided the said ambassador with fullest powers, a copy of which is inserted below.

And moreover, with such propensity of mind the negotiation of the said ambassador extraordinary was received in the Catholic court, that it seemed good to the Most Serene Queen, guardian and governor of the king, to nominate for undertaking and concluding a treaty with him the most excellent men, Don Juan Everard Nithard, confessor of the Most Serene Catholic Queen, inquisitor general and councillor of state, Don Ramiro Phelipe Nuñez de Guzman, duke of San Lucar la Mayor and of Medina de las Torres, councillor

[37] The translation in G. Chalmers, *A Collection of Treaties between Great Britain and other Powers*, II. 5-34, is, except for a few slight alterations, that made by William Godolphin, Latin secretary to Lord Sandwich, and preserved in manuscript in the P. R. O., Treaty Papers, no. 66. On June 7/17, 1667, Godolphin wrote to his brother: "I have sent to my Lord a translation of the articles into English adjusted as neare as I could both to the Latin original and to their Spanish translation here, which you may correct as you find cause, and will save you some labour when the treaty after ratification and publication comes to be printed for the use of the merchants." P. R. O., St. Pap. For., Spain, no. 52.

of state and president of Italy, and Don Gaspar de Bracamonte and Guzman, count of Peñaranda, councillor of state and president of the Indies, to whom have been granted the powers and commission whose tenor is as follows:

[Here follow the full powers granted by the King of Spain to his commissioners on June 15, 1666; and by the King of Great Britain to his ambassador extraordinary on February 16/26, 1665/6.]

In the name of the Most Holy Trinity, Father, Son, and Holy Ghost, three distinct persons, and one only true God.

1. First, it is agreed and concluded, that from this day forward there shall be between the two crowns of Spain and Great Britain a general, good, sincere, true, firm, and perfect amity, confederation, and peace, which shall endure forever, and be observed inviolably, as well by land as by sea and fresh-waters; and also between the lands, countries, kingdoms, dominions, and territories, belonging unto, or under the obedience of either of the said kings; and that their subjects, people, and inhabitants respectively, of what degree or condition soever, from henceforth, shall serve each other well by mutual help, aid, kindness, and all manner of friendship.

. . . . . .

4. That between the King of Spain and the King of Great Britain, and their respective subjects, people, and inhabitants, as well upon sea as upon land and fresh water, in all and every their kingdoms, countries, territories, provinces, islands, plantations, cities, towns, villages, ports, rivers, creeks, bays, straits, and currents under the dominion of either king, where hitherto trade and commerce have been accustomed, there shall be free trade, and permission to begin and carry on any kind of commerce, in such way and manner, that without safe conduct and without general or particular licence, the people and subjects of each other may freely, as well by land as by sea and streams, navigate and go into their said countries, kingdoms, dominions, cities, ports, currents, bays, districts, and other places thereof, and may enter into any port with their ships laden or empty, or any other carriage, and, wherever they may enter, to be free to buy, sell, and exchange merchandise of any sort, of what value and quantity they please, and also at just and reasonable rates provide themselves with provisions and other necessary things for their subsistence and voyages; and also may repair their ships and carriages, and from thence, again freely depart with their ships, carriages, goods, merchandise, and estates, and return to their own countries, or to such other place as they shall think fit, without any molestation, disturbance, or impediment, so that they pay on either part the duties and customs which shall be due, and saving the preservation and observation on either side of the laws and ordinances of the lands of either king.

. . . . . .

7. That it shall be lawful for the subjects of the King of Great Britain to bring out and carry into Spain and all or any lands and dominions of the King of Spain (where heretofore they have used trade and commerce), and trade there with, all kind of merchandise, cloths, manufactures, and things brought out of the British Isles, and the manufactures, goods, products, and kinds originating in the islands, towns, and plantations under the rule of the King of Great Britain, and to sell or take away what shall have been bought by factors or agents of the said British subjects on this side or on the other side of the Cape of Good Hope (commonly called de Buena Esperança), without being forced to declare to whom or for what price they have sold their said merchandise and provisions, or being molested for the errors which the masters

of the ships or any others may have committed in the public entry of the goods. Moreover, the aforesaid subjects may, at their pleasure, return again out of the dominions of the King of Spain, with all or any goods, estates and merchandise to any of the territories, islands, dominions, and countries of the King of Great Britain or to any other place, if they should prefer, first paying the taxes and imposts mentioned in the antecedent articles; and the rest of all their lading which remains in the harbor where they are and which they do not wish to unload they may detain, keep, and carry away in their said ship or ships, vessel or vessels again, without paying any tax or imposition whatsoever for it, as if therewith they had never been within or near any bay or port of the Catholic King. And all goods, estates, merchandise, ships or other vessels, introduced into the dominions or places of the King of Great Britain as prizes, and judged and condemned as lawful prize, shall by the intention of this article be taken for merchandise and goods of the British Isles.

8. That the subjects and vassals of the Most Serene King of Great Britain may freely bring and carry to any of the dominions of the King of Spain any products and commodities of the East Indies, provided it appears by testimony of the deputies acting in the name of the said East India Company in London, that they are of, or have come from the English conquests, plantations, or factories, with like course and privilege as, and according to what is allowed to, the subjects of the United Provinces of the Netherlands by the royal cédulas concerning prohibited goods or contraband, bearing date the 27th of June and the 3rd of July, 1663, and published on the 30th of June and the 4th of July in the same year. And for what may concern both the Indies, and any other parts whatsoever, the crown of Spain grants to the King of Great Britain and his subjects all that is granted to the States of the United Provinces of the Netherlands and their subjects in their treaty of Münster, 1648, in as full and ample manner as if the same were herein particularly inserted, article for article and point for point, with nothing omitted; the same rules are to be observed whereunto the subjects of the said States are held and obliged, and mutual offices of friendship are to be performed from one side to the other.

9. The subjects of the King of Great Britain, trading, buying, and selling in any of the kingdoms, governments, islands, or territories of the King of Spain shall use and enjoy all the privileges and immunities which the Catholic king has granted and confirmed to the English merchants that reside in Andaluzia, by his royal cédulas or orders dated the nineteenth day of March, the twenty-sixth day of June, and the ninth day of November, 1645. These cédulas his Catholic Majesty orders to be ratified, received, and confirmed as an integral part of this treaty. And to the end that it be manifest to all, it is consented that the said schedules or royal ordinances (as to their substances or force and effect) be passed and transferred to the body of the present articles, and be extended with the utmost favor possible to the use and benefit of all and singular the subjects of the King of Great Britain, residing and trading in any places whatsoever within the dominions of the Catholic king.

. . . . . .

29. That the subjects, people, and inhabitants of one kingdom in the dominions, territories, countries, or colonies of the other, shall not be compelled to sell their merchandise for brass or copper coin, or exchange them for other coin or other things against their will; or having sold them to receive the payment in other species than what they bargained for, any law or other custom contrary to this article notwithstanding.

. . . . . .

38. It is agreed and concluded that the people and subjects of either of the aforesaid confederates shall have and enjoy in the respective lands, seas, ports, roads, havens, and territories of the one or the other, and in all places whatsoever, the same privileges, securities, liberties, and immunities, whether they concern their persons or trade, with all the beneficial or favorable provisions and clauses which have been granted or shall be hereafter granted by either of the said kings, by treaties or royal decrees, to the Most Christian King, the States General of the United Provinces of the Netherlands, the Hanse Towns, or any other kingdom or state whatsoever, in manner as full, and as equivalent to a ratified contract as if the same had been particularly mentioned and inserted in this treaty.

39. In case any difference or dispute shall be raised on either side, concerning these articles of trade and commerce, by either the officers of the admiralty or other persons whatsoever, in the one or the other kingdom, the complaint being presented by the party concerned to their Majesties or to any of their council, the king to whom it is so presented shall cause the damages forthwith to be repaired, and all things as they are above agreed, to be duly executed; and in case that in process of time any frauds or inconveniences be discovered in the navigation and commerce between both kingdoms, against which sufficient provision has not been made in these articles, other provisions may be hereafter mutually agreed on, as shall be judged reasonable, the present treaty remaining nevertheless in full force and vigor.

40. It is likewise accorded and concluded, that the said Most Serene Kings of Spain and of Great Britain shall sincerely and faithfully observe and cause to be observed and kept by their subjects and inhabitants respectively all and singular the capitulations agreed and established in the present treaty; neither shall they directly nor indirectly infringe the same, or consent that they shall be infringed by their subjects and inhabitants. And they shall ratify and confirm all and singular the conventions above accorded, by letters patent reciprocally, in sufficient, full, and effectual form, and they shall interchangeably deliver the same, so formed and made, or cause them to be delivered, faithfully and really, within four months after the date of these presents, and they shall then, as soon as conveniently may be, cause this present treaty of peace and amity to be published in the places and manner accustomed.

In faith of these, all and singular, we, the above-mentioned commissioners of the Most Serene King and Queen of Spain and the ambassador extraordinary of the Most Serene King of Great Britain, have mutually undersigned and secured the present treaty with our hands and seals. At Madrid, May 23, 1667.

J. Everard Nithard. The Duke, Duke and Count of Oñate. The Count of Peñaranda. Sandwich.

This treaty, set down and inserted above, and exhibited to us by our aforesaid commissioners and plenipotentiaries, we have accepted, approved, and ratified (after it was seen and ripely examined in our Council), together with all its contents and every separate article of it, as good, firm, and stable, and by these presents we do accept, approve, and ratify it, on behalf of ourselves and of the Most Serene King of Spain, etc., Charles II., our most dear son, and of his heirs and successors, and also of the vassals, subjects, and inhabitants of our kingdoms, jurisdictions, and dominions, promising on our royal faith and word, and in the name and place of the said Most Serene King our son, as well as of his heirs and successors, that we will constantly and inviolably

observe and execute it, and take care that it is observed and executed, in the same way as if we had negotiated it in our own person. Nor will we contravene it for any reason whatsoever, whether directly or indirectly, nor permit it to be contravened by others. And if any contravention be committed or has been committed, in any way whatsoever, we will repair it without any difficulty, or delay. Moreover we will punish transgressors severely, or take care that they be punished; binding and pledging to that end our most dear son, the said Most Serene Catholic King, and his heirs, successors, and descendants, and indeed all and singular our kingdoms, regions, and dominions, without any exception, as well as all our other goods, present and future. And in order that the aforesaid obligation may be the better confirmed, we renounce all laws, customs, and exceptions contrary or opposed thereto. In pledge and testimony of all the aforesaid, we have commanded the present letters to be prepared, signed by our own hand and secured by our privy seal and countersigned by the hand of our secretary of state, on the twenty-first day of September in the year of our Lord 1667.

I, THE QUEEN.

Don PEDRO FERNANDEZ DEL CAMPO
Y ANGULO.

56.

Treaty of friendship and alliance between Sweden and the United Netherlands, concluded at the Hague, July 18/28, 1667. Ratification by the States General of the United Netherlands, October 21, 1667.

Introduction.

In the war between the English and Dutch that began in Europe early in 1665, each belligerent was eager to secure the alliance of the Northern powers, and thereby the exclusion of its enemy from the Baltic. Accordingly, in February, 1665, the States General appointed Ysbrandts ambassador extraordinary to Sweden to negotiate an alliance against England. For some months after his arrival in June, he remained unaware that in the preceding March the Swedish regency government had already concluded a defensive alliance with the British crown.[1]

Ysbrandts's proposals were met by demands from the Swedish commissioners, of which the chief were that the instrument of Elucidation of the treaty of Elbing be rescinded, since the Dutch had forced Sweden to accept it to her great commercial disadvantage; that Sweden be subsidized; that contraband and other maritime matters be regulated anew; and that the ships and places seized by the Dutch West India Company in Africa and America be restored.[2]

The questions involving the Dutch West India Company presented difficulties. For several years preceding, the Swedish agents at the Hague, Silfvercrona and Appelboom, had labored to obtain redress for the losses inflicted by this company upon the Swedish trading companies in Africa and America. In 1664, Appelboom had energetically but vainly pressed for the restoration of New Sweden, seized by Stuyvesant nine years before.[3] In March, 1665, Silfvercrona had agreed to articles whereby the King of Sweden and the Swedish African Company renounced all their claims against the West India Company, turned over to the States General and the West India Company all their rights to the forts at Cabo Corso and elsewhere on the African coast, and forbade Swedish subjects to navigate or trade along the coast of Guinea. For this and the surrender of Swedish claims to the ship *Christina,* seized by the Dutch off the Guinea coast, the Dutch were to pay 140,000 rixdollars.[4] The Swedish government was unwilling to sanction Silfvercrona's agreement, partly because the general renunciation in the first article might be interpreted

[1] Doc. **54.**

[2] Aitzema, *Saken van Staet,* V. 539. The commissioners were Senator Jörran Fleming, Israel Lagerfelt, vice-president of the Commercial College, Peter Julius Coyet, counsellor of the chancery and assessor in the Commercial College, E. Ehrensteen, secretary of state, and A. Hirschenstierna, aulic councillor and secretary of the queen mother.

[3] *Cf.* above pp. 87-88.

[4] Aitzema, *op. cit.,* V. 538.

as a relinquishment of New Sweden.[5] They suggested modifications, which the States General, in December, 1665 (after they had learned of the Anglo-Swedish treaty), accepted, and empowered Ysbrandts to treat of these colonial matters at Stockholm.[6]

In the first two months of 1666 the Dutch government was strengthened by Louis XIV.'s declaration of war against England, and by its conclusion of several treaties with Denmark—Sweden's traditional enemy—including an alliance against England, provisions for the cessation of hostilities between the Dutch West India Company and the Danish African Company, and the settlement of the conflicting pretensions of the Dutch and Danes to the Guinea forts and commerce. The treaty permitted the Danes to continue their trade to Guinea.[7]

In the following month, the Swedish commissioners presented a "project of reconciliation", including two provisions bearing on America: article II., that the States General pay a fixed sum in settlement of Sweden's claims to subsidies, and in compensation for the injuries done to the Swedish African and American Companies;[8] and article IX., which permitted Swedes to trade as freely as the other allies of the United Netherlands in Dutch possessions in the East Indies, Africa, and America, or elsewhere.[9] These proposals were unacceptable to Ysbrandts: the first, on the ground that consideration of matters relating to New Sweden should be postponed until proofs of the respective claims of English and Dutch were exhibited; the second, because it contradicted Sweden's renunciation of trade to Cabo Corso.[10] The Swedish chancellor acknowledged the force of Ysbrandts's objection to the ninth article and it was stricken out.[11] Ysbrandts renewed "seriously and earnestly" his suggestion that Swedish and Dutch forces unite to liberate New Netherland and New Sweden from the English, who had seized them in the late summer and autumn of 1664.[12]

In these Swedish-Dutch negotiations, Louis XIV. of France took an active part. He tried to persuade Sweden to favor Holland rather than England, on the ground that England's naval victory over the Dutch at Lowestoft in June, 1665, gave cause to fear that the English might become masters of the sea, and of all the commerce of the world. To prevent her from acquiring de-

[5] Granlund, "Svenska Afrikanska Kompaniets Historia", p. 385, no. 3.

[6] Aitzema, *op. cit.*, V. 554; Granlund, *op. cit.*, p. 387. The first article (art. 5, "/", of the concluded treaty) was amended by inserting after the words, *in Societatem Indiae Occidentalis Foederati Belgii*, the words, *circa dictum Fortalitium Cabo Corso, et dictam navim Christina.*

[7] The texts of the Danish treaties are in Dumont, *Corps Diplomatique*, tom. VI., pt. III., pp. 59-82.

[8] Near the end of February, 1666, the Swedish commissioners had shown Ysbrandts a statement of the claims of the Swedish American Company, amounting to 260,000 rix-dollars (Aitzema, *op. cit.*, p. 867). Again in February, 1667, the Swedish College of Commerce estimated that the indemnity with interest for the wrongs done by the Dutch to the Swedish American Company equalled the aforesaid amount. Sprinchorn, "History of the Colony of New Sweden", in *Pa. Mag. Hist.*, VIII. 251, 252.

[9] Aitzema, *op. cit.*, V. 869, 870.

[10] *Ibid.*, pp. 872.

[11] *Ibid.*, pp. 874.

[12] *Ibid.*, p. 882. Ysbrandts had made the same suggestion some months before. Sprinchorn, *op. cit.*, p. 251.

cisive maritime preponderance, he wished to strengthen the United Netherlands by bringing them and Sweden together.[13] His ministers, D'Estrades at the Hague, Terlon and Pomponne at Stockholm, labored for this. Yet towards the end of the year 1666 important points of controversy remained unsettled; for Sweden, deeming that her neutrality was already sufficiently manifest, since her offer to mediate between the belligerent powers was accepted, refused to consent to the Act of Neutrality which the States General demanded; and the States, on the other hand, having already made the important concession of agreeing to cancel the obnoxious Elucidation, would not consent to deprive themselves of further commercial advantages by altering the treaty of Elbing itself, as the Swedes desired. Ysbrandts was therefore recalled, and the Swedish government appointed the Count of Dohna ambassador extraordinary to continue negotiations at the Hague.

Dohna reached the Hague in March, 1667. Appelboom was associated with him in his labors. The *projet* which they presented to the Dutch commissioners contained the provision that Swedish pretensions on account of the injuries which the Swedish American Company claimed to have sustained from the Dutch West India Company ought to be examined with the Swedish envoy at the Hague according to the rules of equity, and satisfaction be given immediately to the injured party.[14] To this as to many other provisions the Dutch commissioners found objections. In their own *projet* they altered this article so as to include a reference to the counter-claims of the Dutch West India Company,[15] and in this form the article was incorporated in the treaty.

BIBLIOGRAPHY.

Text: MS. The original manuscript of the ratification by the States General of the United Netherlands is in the Riksarkiv at Stockholm, Original-traktater, Holland.

Text: Printed. L. van Aitzema, *Saken van Staet* (1669-1672), VI. 225, 226; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 39, 40. The text will doubtless be included in O. S. Rydberg and C. Hallendorff, *Sverges Traktater med Främmande Magter* (1877-).

Translation. Dutch. Aitzema, *op. cit.*, VI. 226-228.

References: Contemporary and early writings. L. van Aitzema, *op. cit.*, V. 534 ff., 863 ff., 869, VI. 203-233; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), III. 227 ff., 280 ff., 362-366; *Brieven geschreven ende gewisselt tusschen de Heer Johan de Witt ende de Gevolmaghtigden van den Staedt der Vereenigde Nederlanden* (1723-1725), II., VI., *passim*; Comte d'Estrades, *Lettres, Mémoires, et Négociations* (1743), III.-V., *passim*; T. H. Lister, *Edward, First Earl of Clarendon* (1837-1838), III. 445-448, 464; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883). See Bibliography of Doc. **54.**

References: Later writings. G. A. Lefèvre-Pontalis, *John de Witt* (1885), I. 356, 420; C. K. S. Sprinchorn, "History of the Colony of New Swe-

[13] See Louis's instructions to Terlon, on June 30, 1665, in *Recueil des Instructions aux Ambassadeurs de France*, II., *Suède* (1885), p. 57, and D'Estrades, *Lettres, Mémoires, et Négociations* (1743), IV. 214, *et passim.*

[14] Aitzema, *op. cit.*, VI. 207.

[15] *Ibid.*, p. 210.

den ", translated by G. B. Keen, in *Pa. Mag. Hist. and Biog.*, VIII. (1884) 250-252; A. Johnson, *Swedish Settlements* (1911), II. 654, 655; F. F. Carlson, *Geschichte Schwedens,* IV. (1855) 498, trans. by J. E. Petersen, in Heeren and Ukert, *Geschichte der Europäischen Staaten*; V. Granlund, " Svenska Afrikanska Kompaniets Historia ", in *Historiskt Bibliotek,* VI. (1879) 384 ff.

TEXT.[16]

Ordines Generales Foederati Belgii universis et singulis has visuris lecturisque salutem. Quandoquidem vicesimo octavo Julii proxime praeteri[ti] tractatus amicitiae cum corroboratione foederum ante hac initorum factus, initus, et conclusus est inter Serenissimum ac Potentissimum principem et dominum, dominum Carolum Suecorum, Gothorum, Vandalorumque regem etc. ab una et Confoederatum Belgium ab altera parte per ejusdem regis legatum extraordinarium, campi-mareschalum, consiliarium bellicum, dominum Cristophorum Delphicum burggravium et comitem in Dhona, haereditarium dominum in Carwinden, Schlobitten, Borgsdorff, Stockenfels, et Fischbach, uti etiam Regiae Majestatis Sueciae ablegatum extraordinarium, dominum Haraldum Appelboom, haereditarium de Söderby, nec non commissarios nostros dominos Johannem, baronem de Gent, Philippum Jacobum van den Boetzelaer, baronem d'Asperen, Johannem de Witt, consiliarium et pensionnarium Hollandiae Westfrisiaeque, Johannem Kien, Gijsbertum van der Hoolck, senatorem atque exconsulem Ultrajectinum, Epaeum Bootsma, Everwijn van Bentheim, J. U. doctorem, et Johannem Isbrandts, senatorem Groninganum, respective deputatos ordinarios ad consessum nostrum, nomine provinciarum Gelriae, Hollandiae Westfrisiaeque, Zelandiae, Ultrajecti, Frisiae, Transisalaniae, et Groningae Omlandiaeque, cujus tractatus tenor hic de verbo ad verbum insertus est;

Serenissimi ac Potentissimi principis ac domini, domini Caroli, Suecorum, Gothorum, Vandalorumque regis et principis haereditarii, magni principis Finlandiae, ducis Scaniae, Esthoniae, Livoniae, Careliae, Bremae, Verdae, Stetini, Pomeraniae, Cassubiae, et Vandaliae, principis Rugiae, domini Ingriae et Wismariae, nec non comitis palatini Rheni, Bavariae, Juliaci, Cliviae, et Montium ducis, legatus extraordinarius, campi mareschallus, consiliarius bellicus Christophorus Delphicus, burggravius et comes in Dhona, haereditarius dominus in Carwinden, Schlobitten, Borgsdorff, Stockenfels, et Fischbach; Sacrae Regiae Majestatis Sueciae ablegatus extraordinarius et consiliarius aulicus Haraldus Appelboom, haereditarius de Söderby; nec non Celsorum ac Praepotentium Dominorum Ordinum Generalium Foederati Belgii ad hunc actum specialiter deputati commissarii Johan, baro de Gent, Philippus Jacobus van den Boetzelaer, baro d'Asperen, Johan de Witt, consiliarius et pensionnarius Hollandiae et Westfrisiae, Johannes Kien, Gijsbertus van der Hoolck, senator atque exconsul Ultrajectinus, Epaeus Bootsma, Everwijn van Bentheim, J. U. doctor, et Johan Isbrandts, senator Groninganus, respective deputati ordinarii ad consessum Ordinum Generalium Foederati Belgii nomine provinciarum Gelriae, Hollandiae Westfrisiaeque, Zeelandiae, Ultrajecti, Frisiae, Transisalaniae, et Groningae Omlandiaeque, notum testatumque facimus, quod sicuti Sacrae Regiae Majestatis praedecessoribus regibus Sueciae et Celsitudini Dominorum Ordinum Generalium Foederati Belgii constans semper fuit propositum ac propensissima voluntas stabiliendi atque promovendi veterem illam

[16] The text is taken from the original manuscript of the ratification by the States General, preserved in the Riksarkiv at Stockholm, Originaltraktater, Holland.

amicitiam atque necessitudinem, quae a multis retro annis inter eos viguit, ac magno utriusque subditorum [17] commodo arctioribus aliquot foederum vinculis firmata fuit, nec non in herba opprimendi atque componendi omnes difficultates atque controversias, quae prout variae sunt rerum humanarum vicissitudines, subinde enatae fuerunt, quo suus in perpetuum dictae amicitiae foederibusque vigor constaret atque conservaretur, ita etiam impraesentiarum domini ac superiores respective nostri laudabili majorum atque praedecessorum suorum instituto insistere decreverint, nobisque in mandatis dederint, ut examinatis probeque perpensis omnibus iis, quae Sacra Regia Majestas Sueciae ac Celsitudo Dominorum Ordinum Generalium Foederati Belgii pro jure amicitiae ac vigore foederum a sese invicem desiderare profitentur, eo consilia nostra dirigeremus, quo dictis dominorum [18] atque superiorum nostrorum votis satisfieret, atque ut statueremus et decerneremus omne id, quod in turbato hocce rerum statu bono communi conducere judicaremus. In eum itaque finem congressi, matura instituta deliberatione, et exhibitis procuratoriis, vigore potestatis nobis per ea concessae in sequentia capita consensimus et convenimus:

. . . . . .

5. Controversiae autem, quae inter Sacram Regiam Majestatem Sueciae ejusque privilegio instructam societatem Sueco Africanam et Celsos ac Praepotentes Dominos Ordines Generales Foederati Belgii eorumque itidem privilegio munitam Societatem Generalem Indiae Occidentalis ejusdem Foederati Belgii obortae fuerunt de proprietate quorundam locorum et nominatim fortalitii Cabo Corso in Guinea Africae littore siti, et de commerciis quae iisdem in locis exercentur, nec non de navi quadam *Christina* nuncupata in dictis oris capta ac subhastata, compositae atque sopitae sunt, modo et conditionibus sequentibus:

Ac primo quidem Serenissimus et Potentissimus Rex Sueciae ejusdemque Societas Sueco Africana suo quisque nomine renunciabunt, quemadmodum hisce praesentibus renunciant, omnibus omnino actionibus et praetensionibus quae ab iis in hunc usque diem in Societatem Indiae Occidentalis Foederati Belgii, circa dictum fortalitium Cabo Corso et dictam navim *Christinam* institutae vel motae sunt, qualescunque illae sint aut quo nomine institutae fuerint vel institui possint; sicut ab altera quoque parte Celsi ac Praepotentes Domini Ordines Generales Foederati Belgii et eorum privilegio munita Societas Indiae Occidentalis renunciant etiam omnibus actionibus et praetensionibus quae ab iis aut ab ea in dictam Societatem Africanam motae sunt, aut moveri possent, qualescunque ea sint, sine ulla exceptione.

Secundo, summe memoratus Rex Sueciae dictaque ejusdem Societas Sueco Africana, altememoratis Dominis Ordinibus Generalibus dictaeque Societati Indiae Occidentalis Foederati Belgii cedunt, et in eos transferunt, omne jus, possessionem, actiones, et praetentiones quas Sacra Regia Majestas Sueciae, aut ejusdem Societas Sueco Africana, aut revera habuerunt aut se habere putaverunt in fortalitium situm in promontorio Cabo Corso nominato, ut et omne jus ab eo dependens, nec non omnia reliqua fortalitia et receptacula in Guinea in Africae littore sita, cum omnibus juribus ab iis dependentibus, cum hac renunciatione speciali, quod nec altissime memorato regi, nec ejusdem Societati Africanae, nec etiam reliquis ejusdem coronae subditis ad dictum fortalitium dictaque receptacula, locaque ab iis dependentia, navigare, aut ibidem commerciorum gratia appellere licebit, directe vel indirecte, et quod dicta Sacra

[17] The MS. reads *subiitorum.*
[18] The MS. reads *dominatum.*

Regia Majestas dictaque Societas Sueco Africana nemini omnino, nec subditis nec advenis, ut ad dicta loca navigent, neque auctores erunt neque permittent neque etiam eos protegent.

Tertio, quod navis dicta *Christina,* cum suo onere et cum suis dependentiis, cedet dictae societati Indiae Occidentalis Foederati Belgii et eum in finem dicta Sacra Regia Majestas renunciat, tam suo nomine quam nomine dictae Societatis Sueco Africanae et reliquorum omnium quorum interest, et quibus in dictam navem et in merces quibus onerata erat, cum omnibus dependentiis, aliquod jus erat, commodo et usui dictae societatis Indiae Occidentalis Foederati Belgii.

Quarto et postremo, hac de causa persolventur Amstelodami ei vel iis, quos dicta Regia Majestas ad id constituet, centum et quadraginta millia imperialium in specie, vulgo de banca dictorum, simul ac hisce tabulis subscriptum et earum ratihabitiones in debita forma exhibitae et commutatae erunt.

6. Controversias autem, quae inter Societatem Sueco Americanam dictamque Societatem Indiae Occidentalis Foederati Belgii intercedunt, ratione damnorum quae sibi a sese invicem in America illata esse praetendunt, secundum justitiae et aequitatis regulas, cum dictae Sacrae Regiae Majestatis ablegato Hagae Comitis quantocius examinandas, de super transigendum, partique laesae confestim et sine mora satisfaciendum esse, statutum atque decretum est.[19]

. . . . . .

Pacta haec bona fide praestanda, atque a Sacra Regia Majestate Sueciae et Celsitudine Dominorum Ordinum Generalium Foederati Belgii rata habenda, ratihabitionesque hinc inde intra spatium trium mensium exhibendas atque tradendas fore promittimus. In cujus rei fidem majorem nos supranominati Serenissimi ac Potentissimi Regis Sueciae legatus et ablegatus extraordinarii nosque Celsorum ac Praepotentium Dominorum Ordinum Generalium Foederati Belgii commissarii manu nostra, nostroque sigillo tabulas hasce sancivimus. Actum Hagae Comitum anno 1667 die 18/28 Julii signatum et sigillatum erat ut sequitur.

Christophorus Delphicus,
B[aro]ac comes in Dhona.
Haraldus Appelboom.

J. van Gent.
Baro d'A[s]peren.
Johan de Witt.
Johan Kien.
G. v. Hoolck.
E. v. Bootsma.
E. van Bentheim.
J. Isbrandts.

Proinde nos praefatum tractatum acceptavimus, approbavimus, ratihabuimus, et confirmavimus, sicuti eundem acceptamus, approbamus, ratihabemus, et confirmamus per praesentes, spondentes nos omnia et singula in eodem contenta inviolabiliter observaturos et impleturos, neque admissuros esse, ut ullo modo quomodolibet id accidat aut accidere possit, per directum vel indirectum, huic contrarium aut adversum fiat sub hypotheca atque obligatione praedicti Foederati Belgii bonorum et proventuum generalium et specialium, praesentium et futurorum; in quorum fidem veritatisque robur hasce majoris sigilli nostri ap-

[19] Sprinchorn believed that Sweden did not receive any compensation from the States General for the loss of New Sweden, since soon after the signing of the treaty of the Hague it sought to be indemnified by England. "History of the Colony of New Sweden", *ubi supra,* p. 252.

pensione muniri, pariterque per consessus nostri praesidem signari, et per graphiarium subscribi jussimus. Actum in consessu nostro Hagae Comitis die vigesimo primo Octobris anni millesimi sexcentesimi sexagesimi septimi.

H. Gockinga v[id]t.

Ad mandatum altememoratorum Dominorum Ordinum Generalium.

N. Ruysch.

Translation.

The States General of the United Netherlands to all and singular who shall see and read these presents, greeting. Whereas on the twenty-eighth day of July last past a treaty of friendship with confirmation of previous alliances was made, entered into, and concluded between the Most Serene and Most Potent prince and lord, lord Charles, king of the Swedes, Goths, and Vandals, etc., on the one part, and the United Netherlands on the other part, by the said king's ambassador extraordinary, field marshal, and councillor of war, lord Christopher Delphicus, burggrave and count in Dohna, hereditary lord in Kurvinden, Schlobitten, Burchardsdorff, Stockenfels, and Fischbach, and also the envoy extraordinary of his Royal Majesty of Sweden, Harald Appelboom, hereditary lord of Söderby; also our lords commissioners Johan, baron van Gent, Filips Jacob van den Boetzelaer, baron of Asperen, Johan de Witt, councillor and pensionary of Holland and West Friesland, Johan Kien, Gijsbert van der Hoolck, senator and ex-burgomaster of Utrecht, Epo van Bootsma, Everwijn van Bentheim, doctor of law, and Johan Ysbrandts, senator of Groningen, respectively deputies ordinary to our assembly in the name of the provinces of Gelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssel, and Groningen and Ommeland, the tenor of which treaty is here inserted, word for word:

We, Christopher Delphicus, burggrave and count in Dohna, hereditary lord in Kurvinden, Schlobitten, Burchardsdorff, Stockenfels, and Fischbach, ambassador extraordinary, field marshal, and councillor of war of the Most Serene and Most Potent prince and lord, lord Charles, king and hereditary prince of the Swedes, Goths, and Vandals, great prince of Finland, duke of Scania, Esthonia, Livonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, also count palatine of the Rhine, and duke of Bavaria, Jülich, Cleves, and Berg; Harald Appelboom, hereditary lord of Söderby, envoy extraordinary and aulic councillor of his Sacred Royal Majesty of Sweden; also the commissioners of the High and Mighty lords, the States General of the United Netherlands, especially deputed for this purpose, Johan, baron van Gent, Filips Jacob van der Boetzelaer, baron of Asperen, Johan de Witt, councillor and pensionary of Holland and West Friesland, Johan Kien, Gijsbert van der Hoolck, senator and ex-burgomaster of Utrecht, Epo van Bootsma, Everwijn van Bentheim, doctor of laws, and Johan Ysbrandts, senator of Groningen, respectively ordinary deputies to the assembly of the States General of the United Netherlands in the name of the provinces of Gelderland, Holland and West Friesland, Zeeland, Utrecht, Friesland, Overyssel, and Groningen and Ommeland, make known and testify that even as the predecessors of his Sacred Royal Majesty the kings of Sweden, and the High and Mighty lords the States General of the United Netherlands, always had the fixed intention and most earnest desire to establish and promote that ancient friendship and alliance, which for many years past has flourished between them, and to the great advantage of the subjects of each has been

strengthened by the closer bonds of several treaties; and also to suppress at sight and settle all the difficulties and controversies which have arisen from time to time in accordance with the various vicissitudes of human affairs, whereby the said friendship and treaties might be kept in vigor and preserved forever, so likewise now, our respective masters and superiors have decided to follow the praiseworthy plan of their forefathers and predecessors, and have commanded us that, after examining and pondering justly all those matters that his Sacred Royal Majesty of Sweden, and their High Mightinesses the States General of the United Netherlands, profess to desire mutually of their own accord and conformably to the obligation of friendship and the force of treaties, we should so direct our councils as to satisfy the said wishes of our masters and superiors, so that we should establish and determine all that we might judge to be conducive to the common welfare in this disturbed state of affairs. And so, having come together for this purpose, after mature deliberation and the exhibition of our credentials, by virtue of the power granted to us thereby, we have agreed and united upon the following heads:

. . . . . .

5. Moreover the controversies which have arisen between his Sacred Royal Majesty of Sweden and the Swedish African Company chartered by him, and the High and Mighty lords the States General of the United Netherlands and the General West India Company of the said United Netherlands, similarly chartered by them, concerning the ownership of certain places, and particularly of the fortress of Cabo Corso, situated in Guinea on the coast of Africa, and concerning the trade carried on in these places, and also concerning a certain ship named the *Christina,* taken on those coasts and sold at public auction, have been composed and settled in the manner and on the conditions following:

First, the Most Serene and Most Potent King of Sweden and his Swedish-African Company will each renounce in their own name, and by these presents they do renounce, all actions and pretensions whatsoever, instituted or moved by them up to this day, against the West India Company of the United Netherlands, in respect to the said fortress of Cabo Corso, and the said ship *Christina,* whatsoever they may be, or in whosoever's name they have been or may be begun; just as, on the other hand, also, the High and Mighty lords the States General of the United Netherlands, and the West India Company chartered by them, likewise renounce all actions and pretensions that have been or might be brought by either against the said African Company, whatever they may be, without any exception.

Secondly, the aforesaid King of Sweden and his said Swedish-African Company cede to the aforesaid lords the States General and to the said West India Company of the United Netherlands, and transfer to them, all right, possession, actions, and pretensions, that his Sacred Royal Majesty of Sweden, or his Swedish-African Company, either actually had, or thought they had, in the fortress situated on the promontory called Cabo Corso, and every right derived therefrom, and all the rest of the fortresses and magazines in Guinea on the African coast, with all the rights dependent thereupon, with this special renunciation that neither the aforesaid king, nor his African Company, nor the other subjects of his crown, shall be permitted to sail to the said fortress and said magazines, and to their dependencies, or to take a ship there for the purpose of commerce, directly or indirectly, and that his said Sacred Royal Majesty and the said Swedish-African Company shall neither encourage nor permit any one at all, either subjects or aliens, to sail to the said places, nor shall they protect them.

Thirdly, that the said ship *Christina,* with its cargo and appurtenances, passes to the said West India Company of the United Netherlands; and to that end his said Sacred Royal Majesty gives it up (both in his own name, and in the name of the said Swedish-African Company, and of all others whom it concerns, and who had any right in the said ship and in the merchandise with which it was laden, with all its appurtenances) to the use and benefit of the said West India Company of the United Netherlands.

Fourthly and lastly, for this there shall be paid at Amsterdam, to the person or persons whom his said Royal Majesty shall appoint for the purpose, 140,-000 rixdollars in specie, commonly called *de banca,* at the same time that this treaty is signed, and the ratifications of it shown and exchanged in due form.

6. Moreover, it is determined and resolved that the controversies existing between the Swedish-American Company and the said West India Company of the United Netherlands, with respect to the injuries that each alleges that the other has committed against it in America, ought to be examined as quickly as possible according to the rules of justice and equity with the envoy of his said Sacred Royal Majesty at the Hague. An agreement should be reached thereupon and satisfaction given forthwith and without delay to the injured party.

. . . . . .

We promise that these agreements shall be executed in good faith, and ratified by his Sacred Royal Majesty of Sweden and by their High Mightinesses the lords States General of the United Netherlands, and that the ratifications shall be exhibited and delivered on both sides within the space of three months. For the fuller confirmation of which, we, the above-named ambassador extraordinary and envoy extraordinary of the Most Serene and Most Potent King of Sweden, and we, the commissioners of the High and Mighty lords the States General of the United Netherlands, have sanctioned these writings with our hand and seal. Done at the Hague, July 18/28, 1667, and signed and sealed as follows:

CHRISTOPHORUS DELPHICUS,
baron and count of DOHNA.
HARALD APPELBOOM.

J. VAN GENT.
Baron d'ASPEREN.
JOHAN DE WITT.
JOHAN KIEN.
G. VAN HOOLCK.
E. VAN BOOTSMA.
E. VAN BENTHEIM.
J. YSBRANDTS.

As we have accepted, approved, ratified, and confirmed the aforesaid treaty, so we do accept, approve, ratify, and confirm it by these presents, promising that we will inviolably observe and fulfill all and singular contained therein, and will not admit that in any way whatever anything may or can happen, directly or indirectly, contrary or adverse to this, under pledge and guaranty of the goods and products, general and special, present and future, of the aforesaid United Netherlands; in confirmation whereof and support of the truth we have ordered these presents to be safeguarded by appending our greater seal, and likewise to be signed by the president of our assembly, and to be subscribed by the clerk. Done in our session at the Hague, October 21, 1667.

H. GOCKINGA, vidit.

By command of the aforesaid Lords States General.

N. RUYSCH.

57.

Treaty of peace and alliance between the United Netherlands and Great Britain, concluded at Breda, July 21/31, 1667. Ratification by the States General of the United Netherlands, July 28, 1667. [*Ratification by the King of Great Britain, July 29/August 8, 1667.*]

Introduction.

In the summer of 1664, Louis XIV. of France tried to avert the war then threatening between Great Britain and the United Netherlands.[1] Failing in this, he attempted to have it confined to Africa and America;[2] and after England took the offensive in Europe by seizing Dutch merchant vessels, near the close of 1664,[3] he sought to mediate between the two belligerents. The reason for his anxiety to stop this war is obvious. The treaty that he had concluded with the Dutch in 1662 required him to aid them against any enemy attacking them in Europe.[4] But he was averse from being drawn into hostilities against England, lest this should cause her to form an alliance with Spain —a country with which he would soon be at war since he was planning to assert his wife's partial pretensions to the Spanish succession by invading the Spanish Netherlands.

Pressed by the Dutch to come to their aid in fulfilment of the terms of the treaty of 1662, yet reluctant to do so, Louis, in the spring of 1665, sent to London "une célèbre ambassade extraordinaire", the Duke of Verneuil and Honoré de Courtin, to act with the ambassador ordinary, Cominges, in mediating a settlement.[5] If obliged to make the first offers they were instructed to propose that each belligerent should restore what it had taken from the other on the coasts of Guinea and in New Netherland; that the Dutch should pay the amount legitimately due for the two East India ships, the *Bonaventura* and the *Bona Esperanza*;[6] and that a regulation of commerce should be agreed on. The instructions suggested that if the question of New Netherland could not

[1] On the causes of the war, see above, pp. 86-87. On the attitude of Louis toward the war, see the articles by Japikse and Pagès mentioned in the Bibliography.
[2] D'Estrades, *Lettres*, II. 504-537, *passim* (Oct. 16-Nov. 27, 1664).
[3] Brodhead, *Docs. Col. Hist. N. Y.*, II. 287-295, 304.
[4] Doc. **52**, articles 2 to 5.
[5] For accounts of this embassy, see D'Estrades, *Lettres*, III. 59, *et passim*; Wicquefort, *Histoire dest Provinces-Unies*, III. 187 ff.; Clarendon, *Life* (1827), III. 382, 383; J. J. Jusserand, *A French Ambassador at the Court of Charles the Second* (1892), pp. 138 ff.
[6] These vessels are mentioned in the Anglo-Dutch treaty of 1662, art. 15. See above, p. 83, and *cf.* p. 75.

be otherwise adjusted, the two parties might settle the dispute there by arms, without troubling Europe further about it.[7]

The proposal of a settlement based on the mutual restitution of captures, including New Netherland, accorded with the desires of the Dutch government.[8] In resolutions and memorials the States General, the states of Holland, the Dutch West India Company, and the Dutch ambassador at London, Van Gogh, complained of the seizure of New Netherland by England as a violation of former treaties,[9] and demanded that it be restored. On the other hand, Downing, English ambassador at the Hague, attempted to justify England's action.[10]

After England's naval victory off Lowestoft, in June, 1665, the French mediators, with De Witt's secret consent, proffered more liberal terms: that Great Britain might keep New Netherland while abandoning Pulo Run to the Dutch,[11] and retain the islands of Boa Vista and Fort St. André, both seized by Captain Holmes in 1661;[12] and that the Dutch should give back to the English the fort of Cormantine on the Guinea Coast, which De Ruyter had taken in 1664. The King of England rejected these tenders, making counter-proposals that the English keep Pulo Run and all that they had taken (New Netherland, St. André, Boa Vista), while the Dutch restore their conquests (the most important being Cormantine), and pay an indemnity for the two East India ships and the cost of the war. He argued that New Netherland belonged to the English and that they had merely tolerated Dutch occupation for a time.[13] Towards the end of the year he refused further offers made by Louis XIV. without authorization from the States.[14] Thereupon Louis recalled his ambassadors from London; and many cities of Holland, said D'Estrades, thanked God that Charles had not accepted the terms proffered.[15]

The year 1666 brought domestic disaster and diplomatic and naval defeats to England, which were by no means offset by her naval successes. In January France declared war on England; in February Denmark joined France and the States against her; Brandenburg leagued with the States against the Bishop of Münster, England's only active ally against the Dutch, and the bishop made peace with the States General. In the West Indies, the French conquered the British part of St. Christopher, and the islands of Antigua and Montserrat. Early in September the greater part of London was destroyed by fire, and the government was in sore financial straits. Neither the king nor Parliament any longer desired the continuance of the war.

[7] A copy of the instructions to the ambassadors is in the British Museum, Egerton MSS. 812. *Cf.* also D'Estrades, *op. cit.*, III. 92, 93.

[8] D'Estrades, *op. cit.*, III. 11, 12.

[9] Brodhead, *op. cit.*, II. 282.

[10] For resolutions, memorials, and counter-memorials published by either side, see *ibid.*, pp. 272-335, *passim.*

[11] D'Estrades, *op. cit.*, III. 249, 250, 261, 262, 265; Brodhead, *op. cit.*, II. 341, 343, 347-354. With regard to Pulo Run, see also above, p. 75.

[12] See above, p. 59.

[13] D'Estrades, *op. cit.*, III. 330-354; Brodhead, *op. cit.*, II. 355-360.

[14] D'Estrades, *op. cit.*, III. 461 ff. -473 ff.; and *cf.* Japikse, in *Revue Historique*, XCVIII. (1908) 42, and notes 6 and 7.

[15] D'Estrades, *op. cit.*, III. 565.

In condoling with King Charles on account of the disastrous fire, the Swedish ambassadors to England, Flemming and Coyet, who in the preceding summer had offered to act as mediators, took occasion to urge a peace;[16] and on October 4/14, King Charles invited the States General to send deputies to London. The Dutch replied that they would never treat apart from their allies, and that if the king wished to negotiate he must appoint a neutral place to which France and Denmark might honorably despatch their representative.[17] In February, 1667, King Charles proposed the Hague—a suggestion displeasing to De Witt and the French, who suspected the English of designing to intrigue there in favor of the Orange party. The States General therefore named three other Dutch cities as acceptable, of which Charles selected Breda. Here assembled in May the representatives of England, Denzil Holles and Henry Coventry; of France, the Count d'Estrades and Courtin; of Denmark, Clingenberg and Charisius; the three Dutch plenipotentiaries, Van Beverningk, of Holland, Jongestal, of Friesland,[18] and Peter de Huybert, pensionary of Zeeland; and the Swedish mediators, Flemming, Coyet, and, after the latter's death, the Count of Dohna. The French government, eager to end the war, was no less active than the Swedes in trying to adjust difficulties. In April, Louis came to a secret agreement with Charles, in order to ensure England's neutrality in the approaching Franco-Spanish conflict;[19] but his ambassadors at Breda did not sacrifice Dutch to English interests.

The Dutch had virtually agreed to the surrender of New Netherland by proposing in December, 1665,[20] in April, 1666,[21] and again in September, 1666,[22] that one of two alternatives be chosen as a basis of settlement—either that each party should restore what it had taken from the other, or, that each should keep what it possessed.[23] The King of England accepted in general the latter alternative, but hoped for some further concessions. In particular he wished the Dutch to restore Pulo Run, as stipulated by the treaties of 1654 and 1662, and also to indemnify the individuals whose claims in regard to the ships *Bonaventura* and *Bona Esperanza* were expressly excepted from the general annulment of pretensions provided for by the treaty of 1662. While these points were being debated, and the English government was neglecting its navy and other defenses, De Witt was preparing a bold attack on the English shipping in the Thames and Medway. The successful execution of this plan in the latter part of June caused the English to yield in the matter of Pulo Run.[24]

[16] Aitzema, *Saken van Staet*, V. 748.
[17] *Ibid.*, p. 752.
[18] Van Beverningk and Jongestal were among the negotiators of the Anglo-Dutch treaty of 1654. See above, pp. 10 ff.
[19] On this secret convention, see Doc. **58**, introduction.
[20] D'Estrades, *Lettres*, III. 578, 579.
[21] The April proposal was made by Van Beuningen at a conference held with Lord Holles and De Lionne at Paris, when the queen mother hoped to reconcile the kings of France and England. Lister, III. 431 ff.; J. Cartwright, *Madame* (1900), pp. 236, 237.
[22] D'Estrades, *op. cit.*, IV. 470-472.
[23] See especially D'Estrades, *op. cit.*, IV. 515 ff., V. 274 ff.
[24] *Life of Clarendon*, III. 262 ff.

The invasion of Flanders by Louis XIV. made the Dutch desirous of a speedy conclusion of the treaty. By July 13, an agreement was reached whereby Pulo Run was left in the hands of the Dutch and all claims of either side against the other, originating either before or after the treaty of 1662, were forever annulled and renounced. Both parties were to keep all the lands and colonies of which they were in possession on May 10/20, 1667. Proclamations made by officials in Africa and America prejudicial to the liberty of trade and navigation were to be annulled, and subjects of both parties should enjoy the same freedom in those respects as when the treaty of 1662 was concluded. One of the separate articles mitigated the English Act of Navigation by permitting the Dutch to import into England such products of Germany as were generally and most conveniently conveyed through the United Netherlands.

Bibliography.

Text: MS. The ratification by the King of Great Britain is in the Rijksarchief at the Hague; a certified copy is in the P. R. O., St. Pap. For., Treaties, no. 324.

Text: Printed. J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 44-52.

Translations: English. G. Chalmers, *Collection of Treaties* (1790), I. 133-151. **Dutch.** L. van Aitzema, *Saken van Staet* (1669-1672), VI. 54-63.

References: Contemporary and early writings. Comte d'Estrades, *Lettres, Mémoires, et Négociations* (1743), III.-V., *passim*; *Brieven, geschreven ende gewisselt tusschen Johan de Witt ende, etc.* (1723-1725), II., *passim*; same in French translation, *Lettres et Négociations entre Jean de Witt et les,* etc. (1725), III., IV., *passim*; L. van Aitzema, *op. cit.,* V. 372 ff., 384 ff., 393 ff., 577 ff., 693 ff., 728 ff., 732 ff., 748, 750 ff., 934, 935, 937, VI. 4-70; A van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), III. 298-320; *Life of Edward, Earl of Clarendon,* by himself (1827), II. 234 ff., 286 ff., 382 ff., III. 37 ff., 195-228, 245 ff., 260-264, *passim*; T. H. Lister, *Edward, First Earl of Clarendon* (1837-1838), III. 431-434, 450-464, 466, 467; T. Bebington, *The Right Honourable the Earl of Arlington's Letters* (1710), I., *passim*; Sir William Temple, *Works* (1814), I. 274-281; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), II. 250-517, *passim,* III. 104, 107, 115, etc.; *Cal. St. Pap. Col.,* 1661-1668 (1880), *passim.* For additional references see the foot-notes to Brodhead, *Hist. St. N. Y.,* II. 78-136, *passim.*

References: Later writings. J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), II. 78-136; L. von Ranke, *England* (1875), III. 419-446; G. A. Lefèvre-Pontalis, *John de Witt, Grand Pensionary of Holland* (1885), I. 378-393; N. Japikse, "Louis XIV. et la Guerre Anglo-Hollandaise de 1665-1667", in *Revue Historique,* XCVIII. 22-60 (1908); G. Pagès, "À propos de la Guerre Anglo-Hollandaise de 1665 à 1667", *ibid.,* XCVIII. 61-71; O. Klopp, *Der Fall des Hauses Stuart* (1875-1888), vol. I., bk. 2; Julia Cartwright (Mrs. Henry Ady), *Madame: a Life of Henrietta, Daughter of Charles I. and Duchess of Orleans* (1900), pp. 159-238, *passim.* For additional references, see foot-notes to Brodhead, *loc. cit.*

Text.[25]

Notum sit universis et singulis quorum interest aut quomodolibet interesse potest; Cum, annis proxime elapsis, orta sint quaedam dissidia inter Serenissimum ac Potentissimum principem ac dominum, dominum Carolum ejus nominis Secundum, Magnae Britanniae regem, ab una, et Celsos ac Praepotentes dominos Ordines Generales Foederatarum Belgii Provinciarum, ab altera parte, quae eo usque increverunt ut non modo in apertum et acre bellum exarserint, sed et Serenissimum et Potentissimum principem ac dominum, dominum Ludovicum XIV.um, Galliarum et Navarrae regem Christianissimum, ut et Serenissimum et Potentissimum principem ac dominum, dominum Fredericum III.um, Daniae et Norvegiae regem, ratione foederum quae iis cum praefatis Dominis Ordinibus intercedebant, in partes traxerint, unde multa Christiani sanguinis effusio cum ingenti utriusque partis dispendio secuta est, tandem Divina bonitate factum esse, ut Serenissimo ac Potentissimo principe ac domino, domino Carolo, Suecorum, Gothorum, ac Vandalorum rege, etc., pro singulari suo amore et affectu quo belligerantes hosce reges et dominos Ordines Generales eorumque respective regna et status complectitur, tum etiam publicae salutis et quietis in Christiano orbe redintegrandae ac conservandae studio, mediationis suae amica et sincera officia interponente, de pace sit suscepta cogitatio; in eumque finem ex mutua partium conventione Bredae congressui legatorum et plenipotentiariorum locus constitutus sit; quo in negotio ad finem optatum provehendo, cum altissimememoratae Sacrae Regiae Majestatis Sueciae legati extraordinarii, illustrissimi atque excellentissimi domini, dominus Georgius Flemingh, liber baro in Libelitz, dominus in Nornaas et Lydinge, Sacrae Regiae Majestatis regnique Sueciae senator et consiliarius cancellariae, ut et dominus Christophorus Delphicus, burggravius et comes in Dona, hereditarius dominus in Carwinden, Schlobitten, Burgsdorf, Stockenfels, et Fischbach, Sacrae Regiae Majestatis Sueciae campi mareschallus et consiliarius bellicus, nec non dominus Petrus Julius Coyet haereditarius in Bengtsboda et Liungebygardh, eques, Sacrae Regiae Majestatis Sueciae cancellariae et status consiliarius aulicus (qui tamen haud diu post suum ad hunc locum adventum, dum pio huic negotio simul insudat, inopina morte praeventus est) nomine Clementissimi regis ac domini sui omnem industriam, dexteritatem, atque prudentiam sincere et absque taedio impenderint; pariterque altissime-memoratus Magnae Britanniae Rex, alteque memorati domini Ordines Generales ad tam bonam metam collimantes, ad pacificationem hancce pertractandam commiserint et deputarint legatos suos extraordinarios et plenipotentiarios, dominum Denzell Holles, baronem de Ifield et consiliarium regium, et dominum Henricum Coventrye, honoratissimi Thomae baronis Coventrye, Magni Angliae sigilli quondam custodis filium, a cubiculis Regis intimis, in supremo Angliae concilio sive parlamento senatorem, et in Hiberniae regno ad res agrarias adjudicandas commissarium ab una; et in consessu Dominorum Ordinum Generalium a parte Provinciarum Geldriae, Hollandiae, Zelandiae, Frisiae, Groningae et Omlandiae deputatos, prius quidem dominum Hieronymum van Beverningk, dominum Petrum de Huybert, dominum de Rengerskerken, Everswaart, etc., consiliarium et syndicum dominorum Ordinum Zelandiae, et dominum Allardum Petrum Jongestal, supremae Frisiorum curiae consiliarium primarium et praesidem, vigore earum plenipotentiarum quae quinto die Maii proxime elapsi

[25] The text is from King Charles II.'s original ratification of the treaty of Breda, in the Rijksarchief at the Hague; the ratification by the States General was apparently lost before this date.

expeditae, in ipso tractatuum ingressu extraditae fuerunt; et postea itidem dominum Adolphum Henricum de Ripperda ac Beurse, dominum de Heer Jans Dam; et dominum Ludolphum Tiarda de Starckenborch, dominum de Weede, Surdyck, et Nyenclooster, ad solemniorem eorundem tractatuum subsignationem, secundis plenipotentiarum tabulis, vigesimo octavo hujus mensis deputatos, ab altera parte; post mutuas plenipotentiarum tabulas (quarum apographa sub finem hujus instrumenti de verbo ad verbum inserta sunt) rite commutatas, in mutuas pacis, amicitiae, et confoederationis leges consensum ac conventum est, tenore sequenti:

1. Imprimis, quod ab hoc die sit vera, firma, et inviolabilis pax, amicitia sincerior, intimior atque arctior confoederatio et unio inter Serenissimum Magnae Britanniae Regem atque Celsos et Praepotentes Ordines Generales Foederatarum Belgii Provinciarum, terrasque regiones civitatesque sub utriusque ditione, sine distinctione locorum positas, earumque subditos et incolas, cujuscunque demum gradus fuerint.

2. Item, ut in futurum omnes inimicitiae, hostilitates, discordiae, et bella inter dictum dominum Regem, et praedictos dominos Ordines Generales eorumque subditos et incolas, cessent et aboleantur; et utraque pars ab omni direptione, depraedatione, laesione, injuriisque, ac infestatione qualicunque, tam terra quam mari et aquis dulcibus, ubivis gentium, ac maxime per omnes alterutrius ditionis tractus, dominia, loca, et praefecturas, cujuscunque demum illae sint conditionis, temperet abstineatque prorsus.

3. Item, uti omnes offensae, injuriae, damna, dispendia, quae dictus dominus rex ejusque subditi, vel praedicti domini Ordines Generales eorumque subditi altrinsecus, durante hoc bello vel antehac, quibuscunque retro temporibus, qualicunque de causa aut quocunque sub praetextu, alter ab altero pertulerunt, eae oblivioni tradantur, et e memoria eradantur plane ac si nullae unquam intercessissent; sed et ut praedicta pax, amicitia, et confoederatio firmis atque inconcussis fundamentis innitatur, utque ab ipso hoc die omnes novi dissidii et altercationis ansae praecidantur, conventum praeterea est ut utraque jam designatarum partium cum plenario jure summi imperii, proprietatis, et possessionis, omnes ejusmodi terras, insulas, urbes, munimenta, loca, et colonias teneat et possideat imposterum, quotquot, durante hoc bello aut ante hoc bellum ullis retro temporibus, vi et armis aut quoquo modo ab altera parte occupavit aut retinuit, eum prorsus in modum quo ea decimo/vigesimo die Maii proxime elapsi occupaverat et possedit, nullis eorundem locorum exceptis.

4. Quin etiam naves omnes cum suis armamentis mercimoniisque et bona cuncta mobilia, quae durante hoc bello vel antehac ullis retro temporibus in potestatem unius vel alterius alte memoratarum partium vel ad earum subditos pervenerunt, sine ulla compensatione vel restitutione, occupantium sint et maneant; sic ut quisque horum ejus quod ita occupatum fuit, sine ulla controversia locive aut temporis aut rerum exceptione, fiat maneatque proprietarius et possessor in perpetuum.

5. Tum, uti ad haec omnes actiones et praetensiones, qualescunque demum illae sint, aut quocunque modo ullis jam ante pacis aut foederum tabulis, specialiter etiam articulo XV° earum quae anno millesimo sexcentesimo sexagesimo secundo subsignatae sunt,[26] restrictae, circumscriptae, definitae, aut reservatae fuerint, quas dictus dominus rex et dicti domini Ordines Generales, eorumve subditi, sibi invicem ultro citrove intentare, instituere, aut movere possent aut vellent, de ejusmodi negotiis aut rebus, quae durante hoc bello aut ullis

[26] See above, Doc. **53**.

retro temporibus, tam ante quam post praedictum anni millesimi sexcentesimi sexagesimi secundi tractatum, ad diem usque hujus praesentis confoederationis initae acciderunt, irritae, obliteratae, cassae nullaeque sint et maneant; quemadmodum dictus dominus rex dictique domini Ordines Generales declarabunt, sicuti et hoc ipso declarant, se omnibus ejusmodi actionibus et praetensionibus pro se et successoribus suis vigore praesentium in perpetuum et penitus renunciaturos, quemadmodum et hoc ipso renuntiant, ita ut earum nomine nihil unquam amplius hinc inde urgeri nihilque controversiarum in posterum moveri possit aut debeat.

6. Sin autem post decimum/vigesimum diem Maii articulo tertio superiore expressum, vel post instauratam pacem, aut subsignatas hujus confoederationis tabulas, pars alterutra terrarum, insularum, urbium, munimentorum, coloniarum, aliorumve locorum quodcunque alterutri parti interceperit et occupaverit, omnia et singula horum, absque ulla loci temporisve distinctione, bona fide in eodem plane statu confestim restituantur quo tum temporis reperientur, quandocunque de instaurata pace in iisdem locis constabit.

7. Sed ad evitandam porro omnem litis et contentionum materiam quae oriri interdum solet ex causa restitutionis aut liquidationis ejusmodi navium, mercium, aliarumque rerum mobilium, quas in locis et oris longe dissitis, post conclusam pacem, et priusquam ea ipsa pax ibidem innotuerit, captas aut occupatas fuisse, utraque pars aut alterutra causari possit, conventum est, uti omnes ejusmodi naves, merces, aliaque bona mobilia, quae forte post conclusionem et publicationem praesentis instrumenti occupari possent, intra spatium duodecim dierum in Freto Britannico, atque in mari Boreali; intra spatium sex septimanarum ab ostio dicti Freti Britannici usque ad Promontorium Sancti Vincentii; ut et intra spatium decem hebdomadum ultra praedictum promontorium et cis lineam aequinoctialem vel Aequatorem, tam in Oceano et Mari Mediterraneo quam alibi: tum inde intra spatium octimestre trans terminos praedictae lineae per universum orbem, sine aliqua exceptione vel ulteriore temporis locive distinctione, ullave restitutionis aut compensationis ratione habita, occupantium sint et maneant.

. . . . . .

9. Cumque in regionibus longe dissitis, ut in Africa et America, praecipue in Guinea, protestationes et declarationes quaedem aliaque ejus generis scripta a gubernatoribus et officialibus nomine superiorum suorum hinc inde emissa et promulgata sint, commercii et navigationis libertati adversa; itidem conventum est, ut omnes et singulae ejusmodi protestationes et declarationes scriptaque praedicta aboleantur, et pro nullis et irritis in posterum habeantur; eademque commercii et navigationis libertate, tam in Africa quam in America, utraque alte memoratarum partium eorumque incolae et subditi guadeant et fruantur, qua guadebant et fruebantur, aut de jure gaudere et frui poterant, id temporis quo tractatui anni millesimi sexcentesimi sexagesimi secundi subscriptum est.[27]

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11. Item, uti dictus dominus Rex dictique domini Ordines Generales maneant amici, confoederati, necessitudine et amicitia conjuncti et adstricti, ad jura atque immunitates subditorum alterutrius contra quoscunque demum tuendas, qui utriusve status pacem terra marive disturbare conabuntur, vel qui infra alterutra dominia degentes, publici utriusque status hostes denunciabuntur.

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[27] Declarations coming under this head are those of Director General Valckenburg, who claimed that the Dutch had an exclusive right to the possession of the Gold Coast; and the counter-declaration of Francis Selwin of June 14, 1664. Brodhead, *Docs. Col. Hist. N. Y.*, II. 257, 258; Zook, *Company of Royal Adventurers*, pp. 179, 180.

23. Item, quod si acciderit ut quamdiu foedus, amicitia, et societas haec duraverit ab ullo ex subditis aut incolis alterutrius partis contra hoc foedus aut ullum ejus membrum, mari, terra, aut aquis dulcibus quicquam fiat aut tentetur, amicitia haec, foedus, et societas inter has nationes non idcirco interrumpentur aut infringentur, verum integra nihilominus perstabunt, vimque suam plenariam obtinebunt; tantummodo illi ipsi qui contra foedus praedictum commiserint, singuli punientur et nemo alius, justitiaque reddetur et satisfactio dabitur illis omnibus quorum id interest, ab iis omnibus qui terra, mari, aut aliis aquis contra hoc foedus quidquam commiserint, ulla in parte Europae aut ubivis locorum intra fretum Gaditanum sive in America, vel per Africae littora, ullisve in terris, insulis, aequoribus, aestuariis, sinubus, fluminibus, ullisve in locis cis Caput Bonae Spei, intra anni spatium quam justitia postulabitur, in omnibus autem (uti supradictum est) ultra praedictum caput locis, intra menses octodecim quam justitia praedicto modo poscetur. Quod si vero foederis ruptores non comparuerint, neque se judicandos submiserint, neque satisfactionem dederint intra hoc vel illud temporis spatium pro loci longinquitate modo constitutum, praedicti illi utriusque partis hostes judicabuntur, eorumque bona, facultates, et quicunque redditus publicabuntur, plenaeque ac justae satisfactioni impendenda erunt earum injuriarum quae ab ipsis illatae sunt, ipsique praeterea cum in alterutrius partis potestate fuerint iis poenis obnoxii erunt, quas suo quisque crimine commeruerit.

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37. Sub hoc praesentis pacis tractatu comprehendentur illi, qui ante ratihabitionum permutationem vel intra sex menses postea ab una alteraque parte ex communi consensu nominabuntur. Interim, tamen, quemadmodum partes paciscentes grate agnoscunt sincera officia et indefessa studia quibus Serenissimus Rex Sueciae, interposita sua mediatione, hoc salutare pacificationis opus, Divino adjuvante auxilio, ad exitum optatum promovit, ita ad testandum parem affectum communi partium omnium consensu sancitum et conventum est, ut altissime memorata Sacra Regia Majestas Sueciae, cum omnibus suis regnis, ditionibus, provinciis, ac juribus huic tractatui sit inclusa, et praesenti pacificatione omni meliori modo comprehensa.

38. Item, conventum, conclusum, et concordatum est, quod praesens tractatus, atque omnia et singula in eo contenta et conclusa, a dicto domino Rege Magnae Britanniae, dictisque dominis Ordinibus Generalibus Foederatarum Provinciarum, per patentes utriusque partis literas sigillo magno munitas, debita et authentica forma, intra quatuor septimanas proxime insequentes (aut citius si fieri poterit) confirmabuntur et ratihabebuntur, mutuaque instrumenta intra praedictum tempus hinc inde Bredae extradentur; nec non et tractatus hic et confoederatio statim a traditis et permutatis instrumentis forma et loco solitis publicabitur.

In quorum omnium et singulorum fidem, majusque robur, nos praedicti Dominorum Ordinum Generalium deputati plenipotentiarii cum illustrissimis et excellentissimis dominis legatis extraordinariis et mediatoribus huic pacis instrumento subscripsimus, illudque sigillis nostris signavimus.

Actum Bredae [21/31 die Julii, 1667.]

GEORGIUS FLEMINGH.
CHRISTOPHORUS DELPHICUS IN DHONA.
A. H. RIPPERDA VAN BUIRSE.
H. VAN BEVERNINGK.
P'R DE HUYBERT.
A. P. JONGESTAL.
L. TIARDA VAN STARCKENBORG.

Carolus, Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etc. omnibus praesentes literas inspecturis salutem. Cum in vim facultatum et mandatorum respective datorum tam a nobis quam a dominis Ordinibus Generalibus Foederati Belgii legatis nostris extraordinariis, dominis baroni Holles et Coventrye et deputatis plenipotentiariis dictorum Ordinum Generalium dominis Adolpho Henrico de Ripperda, Hieronymo van Beverningk, Petro de Huybert, Alardo Petro Jongestal, et Ludolpho Tiarda de Starckenborck, ipsi vigesima prima die mensis Julii, stylo veteri, stylo autem novo trigesima prima, ejusdem mensis anni praesentis tractatum pacis et reconciliationis Bredae concluserint et subscripserint modo et tenore praecedenti,

Nos pactum foedusque illud singulosque articulos in eo comprehensos gratos acceptosque habentes, eos tam nostro quam haeredum, successorum, regnorum, regionum, terrarum, ditionum, subditorum nostrorum nomine, approbavimus, confirmavimus, acceptos ratosque habemus, totumque fide et jurejurando regio, sub obligatione et hypotheca omnium et singulorum nostrorum bonorum tam praesentium quam futurorum, nos servaturos et impleturos pollicemur nec unquam quidquam contrafacturos nec attentaturos directe nec indirecte aut alio quovis modo. In cujus rei fidem praesentes propria manu subscripsimus easque magno Angliae sigillo muniri jussimus. Datum apud Westmonasterium vigesimo nono die mensis Julii, stylo veteri, stylo autem novo octavo die mensis Augusti, anno reparatae salutis millesimo sexcentesimo sexagesimo septimo, nostri vero regni decimo nono.

CAROLUS R.

GUIL. MORICE.

TRANSLATION.[28]

Be it known to all and singular whom it concerns, or may in any way concern; Whereas in recent years certain difficulties have arisen between the Most Serene and Most Potent prince and lord, lord Charles, the Second of that name, king of Great Britain, on the one part, and the High and Mighty lords the States General of the United Provinces of the Netherlands on the other part, and these dissensions increased so far that they not only broke out into open and fierce war, but also the Most Serene and Most Potent prince and lord, lord Louis XIV., the Most Christian king of the Gauls and of Navarre, as also the Most Serene and Most Potent prince and lord, lord Frederick III., king of Denmark and of Norway, by reason of the treaties which they had with the aforesaid States General, were brought into the conflict, whereby there followed a great shedding of Christian blood with very great loss to either side—at length, through Divine goodness, it came to pass that when the Most Serene and Most Potent prince and lord, lord Charles, king of the Swedes, Goths, and Vandals, etc. (on account of his singular love and affection for these warring kings and the lords States General and their respective kingdoms and provinces, and also with the desire to restore and preserve the public welfare and repose of Christendom) interposed his friendly and sincere offices of mediation, deliberations respecting peace were resumed. For this purpose, by mutual agreement a place for the assembling of ambassadors and plenipotentiaries was appointed at Breda. In order to bring this business to the desired end, the ambassadors extraordinary of his aforesaid Sacred Royal

[28] This translation is based on that published by authority in 1686, and reprinted in Chalmers, *Collection of Treaties*, I. 133, 161; but many alterations have been made in that antiquated version, and a translation of the concluding formula of ratification has been added.

Majesty of Sweden, the most illustrious and most excellent lords, lord George Fleming, free baron in Libelitz, lord in Nornäs and Lydinge, senator of his Sacred Royal Majesty and of the kingdom of Sweden, and councillor of the chancellery, lord Christopher Delphicus, burggrave and count in Dohna, hereditary lord in Carwinden, Schlobitten, Burgdorf, Stockenfels, and Fischbach. field-marshal and councillor of war of his Sacred Royal Majesty of Sweden, also lord Peter Julius Coyet, hereditary lord in Bengtsboda and Liungbygardh, knight, chancellor of his Sacred Royal Majesty of Sweden and aulic councillor of state (who, nevertheless, not long after coming to this place, while he was active in this pious negotiation, was suddenly overtaken by death), employed all their industry, dexterity, and prudence, in the name of their Most Clement king and lord, sincerely and unweariedly. Likewise the aforesaid King of Great Britain and the aforesaid lords the States General aiming at so good a mark, sent and deputed to negotiate the said peace their ambassadors extraordinary and plenipotentiary, lord Denzil Holles, baron of Ifield and king's councillor, and lord Henry Coventry, son of the most honorable Thomas baron Coventry, formerly keeper of the great seal of England, nobleman of his Majesty's bedchamber, member of the highest council or Parliament of England, and commissioner for settling land claims in the kingdom of Ireland, on the one side; and on the other side, the deputies in the assembly of the lords the States General on behalf of the provinces of Gelderland, Holland, Zeeland, Friesland, and Groningen and Ommeland, first, lord Hieronimus van Beverningk, lord Petrus de Huybert, lord of Rengerskerken, Everswaart, etc., councillor and pensionary of the lords States of Zeeland, and lord Allard Pieter Jongestall, first lord councillor and president of the high court of Friesland, on the strength of the full powers which were conferred on the fifth of May last, and were delivered over in the beginning of the negotiations, and also afterwards the lord Adolf Hendrik van Ripperda and Beurse, lord of Heerjansdam, and lord Ludolph Tiarda van Starkenborg, lord of Wee, Suurdijk, and Nyencloster, being deputed for the solemn signing of the said treaty by the further letters of full powers of the 28th of this month [of July]. After the mutual exchange of full powers was duly performed (copies of which are inserted word for word at the end of this instrument) accord and agreement were reached respecting mutual conditions of peace, friendship, and alliance as follows:

1. First, that from this day there shall be a true, firm, and inviolable peace, a more sincere friendship, a closer and stricter alliance and union between the Most Serene King of Great Britain and the High and Mighty States General of the United Provinces of the Netherlands, and the lands, countries, and cities under the obedience of both parties, wheresoever situate, and their subjects and inhabitants, of whatsoever degree they may be.

2. Also, that for the time to come, all enmities, hostilities, discords, and wars, between the said lord king, and the aforesaid lords States General, and their subjects and inhabitants, shall cease and be abolished; and that both parties shall altogether forbear and abstain from all plundering, depredation, wrongs, injuries, and molestation whatsoever, as well by land as by sea and in fresh waters everywhere, and especially in all regions, dominions, places, and governments (of what condition soever they may be) within the jurisdiction of either party.

3. Also, that all offences, injuries, damages, and losses, which the said lord king and his subjects, or the aforesaid lords the States General and their subjects, have on either side sustained, during this war or at any time what-

soever heretofore, upon any cause or pretext whatsoever, be buried in oblivion, and completely erased from memory, as if no such things had ever occurred. But in order that the aforesaid peace, friendship, and alliance may stand upon firm and unshaken foundations, and that from this very day all occasions of new dissensions and differences may be cut off, it is further agreed that both of the aforesaid parties, or either of them, shall keep and possess hereafter, with plenary right of sovereignty, property, and possession, all such lands, islands, cities, forts, places, and colonies (how many soever) as during this war, or in any former times before this war, by force of arms, or in any other way they have seized or retained from the other party, and this precisely in the manner in which they were seized of and possessed them on the tenth day of May last past, none of the said places being excepted.

4. Moreover, that all ships, with their equipment, and cargoes, and all movable goods which during this war, or at any time heretofore, have come into the power of either of the aforesaid parties, or of their subjects, shall be and remain to the present possessors, without any compensation or restitution; so that each may become and remain proprietor and possessor in perpetuity of that which has been thus seized, without any controversy or exception of place, time, or things.

5. Moreover, that all actions and pretensions, whatsoever they be, or in what manner soever they have been restricted, circumscribed, defined, or reserved in any former articles of peace or alliance (and especially in the fifteenth article of those which were signed in the year 1662), which the said lord the king and the said lords States General, or their subjects, may or would attempt, institute, or move against one another about such matters or events as have happened during this war or in any former times, before as well as after the aforesaid treaty of 1662, up to the day of this present alliance, be and remain void, obliterated, and annulled; as the said lord king and the said lords States General have declared and they do hereby declare, that by virtue of these presents they will forever utterly renounce, even as hereby they do renounce, all such actions and pretensions, for themselves and their successors, so that on account of them nothing further may or should be urged on either side, nor any controversy engaged in hereafter.

6. But if, after the 10/20 day of May, mentioned in the preceding article third, or after the peace is made, or this treaty signed, either party shall take away and seize from the other any lands, islands, cities, forts, colonies, or other places whatsoever, all and every one of them, without any distinction of place or time, shall without delay be restored *bona fide* in the same condition in which they shall be found to be whenever it has become known in those places that peace is made.

7. But to avoid all matter of strife or contention hereafter, which is sometimes wont to arise concerning the restitution or liquidation of such ships, merchandise, and other movables, as both parties, or either of them, may claim to have been taken or seized in places and coasts far distant, after the conclusion of peace, and before it shall have become known in those places, it is agreed, that all such ships, merchandise, and other movables, as may chance to fall into either party's hands after the conclusion and publication of the present instrument, within the space of twelve days, in the British Channel and the North Sea; and within the space of six weeks, from the mouth of the said British Channel unto the Cape of St. Vincent; as also within the space of ten weeks beyond the said Cape, and on this side of the equinoctial line or Equator, in the Ocean and the Mediterranean Sea as well as elsewhere; and from thence within the space of eight months, beyond the limits of the said

Line, throughout the whole world, shall be and remain unto the possessors without any exception or further distinction of time or place, or without any consideration of restitution or compensation.

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9. And whereas in countries far remote, as in Africa and America, especially in Guinea, certain protestations and declarations and other writings of that kind, prejudicial to the liberty of trade and navigation, have been put forth and published on either side by the governors and officials in the name of their superiors; it is further agreed that all and every such protestations, declarations, and writings aforesaid, be abolished, and held hereafter as null and void; and that both the above-mentioned parties, and their inhabitants and subjects, may use and enjoy the same liberty of trade and navigation, in Africa as well as in America, which they used and enjoyed, or of right might use and enjoy, at the time when the treaty of the year 1662 was subscribed.

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11. Also, that the said lord king and the said lords States General shall remain friends and allies, united and bound together by necessity and friendship, for the protection of the rights and immunities of the subjects of either against such as shall endeavor to disturb the peace of either state by sea or land, or such as, living within either's dominions, shall be declared public enemies of either state.

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23. That in case it happen, that within the duration of this treaty, amity, and alliance any thing shall be done or attempted by any of the subjects or inhabitants of either party, against this treaty or any part thereof, by sea, land, or fresh waters, nevertheless this amity, treaty, and alliance between the said nations shall not be broken or interrupted, or weakened on that account, but shall remain entire and preserve their full force; and that only those particular persons shall be punished who have committed any act against this treaty aforesaid, and none other; and that justice shall be rendered and satisfaction given to all persons concerned, by all such as have committed any act contrary to this treaty, by land or sea or other waters, in any part of Europe, or in any places within the Straits, or in America, or upon the coasts of Africa, or in any lands, islands, seas, creeks, bays, rivers, or in any places on this side of the Cape of Good Hope, within twelve months space after justice shall be demanded; and in all places whatsoever on the other side of the Cape (as hereinbefore said) within eighteen months next ensuing after justice shall be demanded in manner aforesaid. But in case the offenders against this treaty do not appear and submit themselves to judgment, and give satisfaction within the respective times above expressed, according to the distance of the places, they shall be declared enemies of both parties, and their estates and goods and revenues of whatever kind shall be confiscated, and used for full and due satisfaction of the injuries caused by them; and their persons also, when they come within the power of either party, shall be liable to such punishments as each shall deserve for his offences.

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37. Under this present treaty of peace those shall be comprehended who shall be named by either party with common consent before the exchange of ratifications, or within six months after. But in the mean time, as the covenanting parties do thankfully acknowledge the friendly offices and unwearied endeavors whereby the Most Serene King of Sweden, interposing his media-

tion, has, through the assistance of God, promoted and carried on this beneficial work of pacification to the desired conclusion; so, to testify their like affection, it is decreed and covenanted by the common consent of all parties, that his abovementioned Most Serene and Royal Majesty of Sweden, with all his kingdoms, dominions, provinces, and rights, be included in this treaty, and comprehended in the present pacification, in the most effectual manner.

38. Also it is covenanted, concluded, and agreed, that the present treaty, and all and every thing therein contained and concluded, shall be confirmed and ratified by the said lord King of Great Britain, and the said lords States General of the United Provinces, by letters patent on both sides, sealed with the great seal in due and authentic form, within four weeks next ensuing, or sooner if it can be done, and that within the said time ratifications on both sides shall be exchanged at Breda; and that immediately after the delivery and exchange of the same, this treaty and alliance shall be published in the accustomed form and place.

For witness and further confirmation of these, all and singular, we the aforesaid deputies plenipotentiary of the lords States General, with the most illustrious and most excellent lords, the ambassadors extraordinary and mediators, have subscribed this instrument of peace, and have sealed it with our seals.

Done at Breda on the 21/31 day of July, 1667.

Georgius Flemingh.
Christopher Delphicus in Dhona.
A. H. Ripperda van Buirse.
W. van Beverningk.
P'r de Huybert.
A. P. Jongestall.
L. Tiarda van Starckenborg.

Charles, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., to all those who shall examine the present letters, greeting. Whereas in virtue of powers and instructions respectively given by us and by the lords States General of the United Netherlands to our ambassadors extraordinary, the lords Baron Holles and Coventry, and to the plenipotentiaries of the said States General, the lords Adolph Hendrick van Ripperda, Hieronymus van Beverningk, Petrus de Huybert, Allard Petrus Jongestall, and Ludolph Tiarda van Starckenborg, they on the twenty-first day of the month of July, old style, thirty-first of that month, new style, in the present year, concluded and signed a treaty of peace and reconciliation at Breda, of the style and tenor set forth above,

We, favoring and accepting that pact and treaty and the several articles included therein, have in our name and in the name of our heirs, successors, kingdoms, regions, lands, jurisdictions, and subjects approved and confirmed them, and do accept and ratify them, and promise, on the faith and oath of a king, under obligation and pledge of all and singular our possessions both present and future, that we will keep and fulfill the whole, and will not contravene or impair the same directly or indirectly or in any way whatever. In faith whereof we have subscribed these presents with our own hand, and have ordered them to be confirmed with the great seal of England. Given at Westminster on the twenty-ninth day of the month of July, old style, eighth day of August, new style, in the year of salvation one thousand six hundred and sixty-seven, and of our reign the nineteenth.

Charles, King.

William Morice.

58.

Treaty of peace between Great Britain and France, concluded at Breda, July 21/31, 1667. Ratifications exchanged, August 14/24, 1667.

INTRODUCTION.

Although Louis XIV. declared war on England in January, 1666,[1] he ostensibly desired to maintain neutrality in America. At all events, he so instructed the governors of the French West Indies [2] and also M. de Tracy, lieutenant-general of all the French possessions in America.[3] The King of England, on the other hand, wished to follow the same policy toward the French that he had attempted toward the Dutch, both in Africa and America, to "root them out" of their colonial possessions. He therefore instructed the governors of Jamaica and Barbados to attack the French in the West Indies, and the governors of Connecticut, Massachusetts, and Nova Scotia to try to subjugate Canada.[4]

In the West Indies, success lay with the French, who captured the British part of St. Christopher and the English islands of Antigua and Montserrat, and also took places which the English had seized from the Dutch in the course of the war—the islands of St. Eustatius and Tobago, and Bauroma on the mainland.[5] In the North, the activity of the French in sending expeditions against the Mohawks and building forts within the bounds of New York alarmed, with some reason, the English of the neighboring colonies.[6] Nevertheless the English colonists limited themselves almost entirely to defensive measures, despite the appeals of Governor Nicolls of New York.[7]

In Europe Louis XIV. gave insignificant aid to his Dutch allies, and when towards the close of 1666 Charles II. showed a strong desire for peace, Louis

[1] See above, p. 120.

[2] J. B. Du Tertre, *Histoire Générale des Antilles habitées par les François* (1667-1671), IV. 11, 13.

[3] Garneau, *Histoire du Canada* (1913-), I. 112.

[4] *Cal. St. Pap. Col.*, 1660-1668, pp. 338, 339, 356-358; Mass. Hist. Soc. *Collections*, XVIII. (1819) 102.

[5] For events in the West Indies at this period, see Du Tertre, *op. cit.*, IV., passim, and S. L. Mims, *Colbert's West India Policy* (1912), ch. 5.

[6] One of the reasons submitted by Talon to Tracy and Courcelles for sending the expedition against the Mohawks in the autumn of 1666 was that this enterprise, if successful, would open the door for the seizing of Albany, and, in any case, would intimidate the English colonists and turn their minds from the idea of invading Canada, if they had planned it (Brodhead, *Docs. Col. Hist. N. Y.*, IX. 53). On Nov. 13, 1666, Talon wrote Colbert that Louis XIV. should persuade the King of England to restore New Netherland to the Dutch and then find means to treat for it with the States General. P. Margry, *Mémoires et Documents pour servir à l'Histoire des Origines Françaises des Pays d'Outre-Mer* (1879-1888), I. 78, or Brodhead, *op. cit.*, IX. 56, 57.

[7] The only offensive measure appears to have been that of the captain of an English privateer of New York, who is said to have destroyed two French forts in Acadia. Brodhead, *Hist. St. N. Y.*, II. 127.

entered into secret negotiations with him, in order to ensure his neutrality in the approaching Franco-Spanish war. On April 17, 1667, the two kings concluded a secret treaty, stipulating that neither should enter into any alliance opposed to the interests of the other, within the period of a year; and that Louis should return the English part of St. Christopher to Charles II. on condition that Acadia should be restored to France.[8] The public treaty concluded at Breda between France and England on the same day as the Anglo-Dutch treaty, July 21/31, 1667,[9] provided that France restore to Great Britain the English part of St. Christopher and the islands, etc., taken by France but possessed by Great Britain before the Anglo-Dutch war (thus excepting the former Dutch possessions of Tobago, etc.); and it also stipulated that Great Britain surrender "Acadia" to France.

Just what "Acadia" included was a matter of dispute.[10] In 1656, Cromwell had ceded to Thomas Temple, William Crowne, and Charles de la Tour "Acadia and part of the country called Nova Scotia", making Acadia in effect only a part of the peninsula. But when, in pursuance of the treaty of Breda, King Charles ceded Acadia to France, in 1668, his letters patent defined it as including "the forts and habitations of Pentagoet (Penobscot), St. John, Port Royal, La Hève, and Cape Sable". Temple at first refused to yield this territory, at least before St. Christopher was surrendered, alleging that Pentagoet, St. John's, and Port Royal were not in Acadia but "in Nova Scotia, bordering upon New England". However, King Charles, who as early as 1662 had shown his inclination to surrender these conquests of Cromwell, renewed his order, which was duly executed in 1670.

Massachusetts objected to the returning of Nova Scotia to the French on the ground that it would obstruct the fur trade and fishing and be a source of danger in time of war. They complained that the restoration of St. Christopher by no means offset these disadvantages.[11]

Bibliography.

Text: MS. The original manuscript of the ratification by the King of Great Britain is in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

Text: Printed. L. van Aitzema, *Saken van Staet* (1669-1672), VI. 257-259.

Translations: English. *A General Collection of Treatys* (1710), I. 127-134.

French. J. Dumont, *Corps Diplomatique* (1726-1731), vol VII., pt. I., pp. 40-44; F. Leonard, *Recueil des Traitez de Paix* (1693), V.; Comte d'Estrades, *Lettres, Mémoires, et Négociations* (1743), V. 458-471.

[8] The agreement is in F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne sous Louis XIV.* (1835-1842), II. 43-45, in *Collection de Documents Inédits sur l'Histoire de France.*

[9] Doc. **57.**

[10] An excellent account of the controversy is in W. F. Ganong, "Monograph of the Evolution of the Boundaries of the Province of New Brunswick", in *Transactions* of the Royal Society of Canada, second ser., vol. VII. (1901), pp. 174 ff. See also *Mémoires des Commissaires du Roi,* I. xiv ff., IV. 30, *et passim.* For earlier references to Acadia in treaties, see pp. 41-43.

[11] *Cal. St. Pap. Col.,* 1669-1674, pp. 25, 26.

References: Contemporary and early writings. Comte d'Estrades, *op. cit.*, IV.-V., *passim*; *The Memorials of the English and French Commissaries concerning the Limits of Nova Scotia or Acadia* (1755), *passim*; *Mémoires des Commissaires du Roi et de ceux de Sa Majesté Britannique sur les Possessions et les Droits respectifs des Deux Couronnes en Amérique* (1755-1757), I. xiv ff., II. 292-326, 542-559, IV., *passim*; *Cal. St. Pap. Col.*, 1661-1668 (1880), pp. 338-638, *passim*, and 1669-1674 (1889), pp. 2, 3, 7-13, 19, 20, 24, 26, *et passim*; *Acts of the Privy Council of England, Col. Ser.* (1908-1912), vol. I., nos. 717, 734, 753, 779, 785, 787, 792, 799, 835, 838, etc.; T. H. Lister, *Edward, First Earl of Clarendon* (1837-1838), III. 443, 444, 450-464; *Oeuvres de Louis XIV.* (1806), II. 285-289; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), III. 120-162, *passim.*

References: Later writings. J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), II. 113-121, 124-128, 131, 133-136; N. Japikse, "Louis XIV. et la Guerre Anglo-Hollandaise de 1665 à 1667", in *Revue Historique*, XCVIII. (1908) 55-58; P. de Ségur-Dupeyron, *Histoire des Négociations Commerciales et Maritimes* (1872-1873), I. 106-123; L. von Ranke, *England* (1875), III. 441-443; B. Murdoch, *History of Nova-Scotia* (1865-1867), I. 140-146.

TEXT.[12]

Notum sit universis et singulis quorum interest, aut quomodolibet interesse potest: Postquam exarsit bellum inter Serenissimum et Potentissimum principem ac dominum dominum Carolum II.dum Magnae Britanniae regem ab una parte, et Serenissimum ac Potentissimum principem ac dominum dominum Ludovicum XIV.mum Galliarum et Navarrae regem Christianissmum ab altera, occasione belli jam saevientis inter dictum dominum Magnae Britanniae Regem et Celsos ac Praepotentes dominos Ordines Generales Foederatarum Belgii Provinciarum, tandem divina bonitate factum esse ut Serenissimo ac Potentissimo principe ac domino domino Carolo Suecorum, Gothorum, ac Vandalorum rege pro singulari suo amore et affectu quo belligerantes reges eorumque regna complectitur, tum etiam publicae salutis et quietis in Christiano orbe redintegrandae ac conservandae studio, mediationis suae amica et sincera officia interponente, de pace sit suscepta cogitatio, in eumque finem ex mutua partium conventione, Bredae congressui legatorum et plenipotentiariorum locus constitutus sit, quo in negotio ad finem optatum provehendo cum altissime memoratae Sacrae Regiae Majestatis Sueciae legati extraordinarii illustrissimi atque excellentissimi domini dominus Georgius Flemming liber baro in Liebelits, dominus in Nornaas et Liidinge, Sacrae Regiae Majestatis regnique Sueciae senator et consiliarius cancellariae, ut et dominus Christophorus Delphicus, burggravius et comes in Dhona, haereditarius dominus in Corbitten, Schlowitten, Burgsdorf, Stockenfelts, et Fischbach, Sacrae Regiae Majestatis campi marescallus et consiliarius bellicus, necnon dominus Petrus Julius Coyet, haereditarius in Bengtsboda et Liangebygard, eques, Sacrae Regiae Majestatis Sueciae cancellariae et status consiliarius aulicus, qui tamen haud diu post suum ad hunc locum adventum, dum pio huic operi simul insudat, inopina morte praeventus est, nomine clementissimi regis ac domini sui, omnem industriam, dexteritatem atque prudentiam, sincere et absque toedio impenderint; pariterque supramemorati reges, ad tam bonam metam collimantes, ad pacificationem

[12] The text is taken from the original ratification by the King of Great Britain, in the archives of the Ministry of Foreign Affairs in Paris.

hancce pertractandam commiserint et deputarint legatos suos extraordinarios et plenipotentiarios—Rex quidem Magnae Britanniae illustrissimos atque excellentissimos dominos, dominum Denzell Holles, baronem de Ifield etc. Sacrae Regiae Majestati a consiliis, necnon dominum Henricum Coventrye honoratissimi Thomae Coventrye magni Angliae sigilli quondam custodis filium, eidem Sacrae Regiae Majestati a cubiculis intimis, in supremo Angliae consilio sive parlamento senatorem, et in Hiberniae regno ad res agrarias adjudicandas commissarium; Rex vero Christianissimus, illustrissimos atque excellentissimos dominos, dominum Godefridum comitem D'Estrades regiorum exercituum locum tenentem generalis, Dunquercae gubernatorem, Burdegalae praetorem urbicum perpetuum, Americae proregem, ordinum Sacrae Regiae Majestatis equitem, necnon dominum Honoratum Courtin, eidem Sacrae Regiae Majestati a secretioribus consiliis et libellorum supplicum magistrum; qui post mutuas plenipotentiarum tabulas, quarum apographa sub finem huius instrumenti de verbo ad verbum inserta sunt, rite commutatas, in mutuas pacis, amicitiae, et confoederationis leges consenserunt et convenerunt tenore sequenti:

1. Pax sit universalis, perpetua veraque et sincera amicitia inter Serenissimum et Potentissimum Magnae Britanniae Regem et Serenissimum ac Potentissimum Regem Christianissimum, eorumque haeredes et successores, necnon utriusque regna, status et subditos, eaque ita sincere serioque servetur et colatur ut alter alterius utilitatem, honorem, ac commodum promoveat; omnique ex parte fida vicinitas et secura pacis atque amicitiae cultura revirescant et reflorescant.

. . . . . .

7. Rex Christianissimus Magnae Britanniae Regi, aut iis qui ipsius mandata, magno Angliae sigillo debite munita, ad id acceperint, illam insulae Sancti Christophori partem, quam Angli Kalendis Januariis anni millesimi sexcentesimi sexagesimi quinti ante nuperrimi belli denunciationem possidebant, quam primum fieri poterit, aut ad summum intra sex menses a die subscriptionis praesentis pacti numerandos, restituat. Eoque dictus Dominus Rex Christianissimus, statim ab eiusdem pacti ratihabitione, instrumenta et mandata omnia necessaria, rite confecta, dicto Domino Magnae Britanniae Regi aut ipsius ministris ad id delegatis tradat aut tradi jubeat.

8. Si tamen aliquis subditorum dicti domini Magnae Britanniae Regis bona quae in ea insula possidebat vendiderit, venditionisque pretium ipsi numeratum fuerit, non ante in eorum bonorum possessionem in vim praesentis pacti mittatur ac restituatur, quam pretium aut acceptam pecuniam de facto solverit ac rependerit.

9. Si vero contigerit (quod tamen huc usque compertum non est) subditos domini Regis Christianissimi dicta Sancti Christophori Insula, a supramemorati domini Magnae Britanniae Regis subditis, ante aut post praesentis pacti subscriptionem, expulsos fuisse: nihilominus res in eum statum restituantur in quo initio anni millesimi sexcentesimi sexagesimi quinti (id est ante cessantis jam belli denunciationem) erant: dictusque dominus Magnae Britanniae Rex, statim atque res innotuerit citra ullam moram ac dilationem, instrumenta et mandata omnia rite confecta ad eam restitutionem necessaria supra memorato domino Regi Christianissimo aut ipsius ministris, ad id delegatis, tradat aut tradi jubeat.

10. Dictus etiam dominus Magnae Britanniae Rex, dicto domino Regi Christianissimo aut iis qui ab ipso mandatum magno Galliae sigillo debite munitum ad id acceperint, regionem quae Acadia dicitur, in America Septen-

trionali sitam, qua dictus dominus Rex Christianissimus olim potiebatur, restituat; eoque dictus dominus Magnae Britanniae Rex, statim ab huius foederis ratihabitione, instrumenta et mandata omnia rite confecta ad eam restitutionem necessaria, dicto domino Regi Christianissimo aut ipsius ministris ad id delegatis, tradat aut tradi iubeat.

11. Si qui vero ex incolis regionis illius quae Acadia dicitur, Serenissimi Magnae Britanniae Regis dominio inposterum subesse malint, liberum sit ipsis intra spatium unius anni a die restitutionis regionis illius computandum discedere; fundos, agros, mancipia, bona denique omnia mobilia, vel immobilia, vendere, alienare, vel aliter ut ipsis visum fuerit de iis ad libitum disponere, et qui cum ipsis contraxerint ad eiusmodi contractus implendos Serenissimi Regis Christianissimi authoritate teneantur; Si vero praetulerint nummos, supellectilem, vasa, mancipia, omnia denique bona mobilia secum avehere, hoc ipsis citra ullum impedimentum aut quamcunque molestiam integrum ac licitum sit.

12. Item, Rex Christianissimus Magnae Britanniae Regi, in modum supradictum, insulas quae Antigoa et Monsarat nuncupantur, si sint in ejus potestate, restituat; atque etiam quasvis alias insulas, regiones, arces, et colonias, quae dicti domini Regis Christianissimi armis, ante aut post praesentis tractatus subscriptionem, obtineri potuerint; quasque dictus dominus Magnae Britanniae Rex possidebat antequam cum dominis Generalibus Foederati Belgii Ordinibus bellum (cui finis hoc tractatu imponitur) iniret. Et vice versa, dictus dominus Magnae Britanniae Rex in modum supradictum, insulas omnes, regiones, arces et colonias ubivis gentium sitas, quae ipsius armis ante aut post praesentis pacti subscriptionem obtineri potuerint, quasque ante Kalendas Januarias anni millesimi sexcentesimi sexagesimi quinti dictus dominus Rex Christianissimus possidebat supra memorato domino Regi Christianissimo restituat.

13. Si qui vero ex illis servis et mancipiis qui Anglis serviebant in ea insulae Sancti Christophori parte quae ad supradictum Magnae Britanniae Regem pertinebat, ut et in insulis quae Antigoa et Monsarat nuncupantur, cum supradicti Regis Christianissimi armis occupatae sunt, in Anglorum dominium redire iterum velint (citra tamen omnem vim ac coactionem) id ipsis intra spatium sex mensium a die quo eaedem insulae restituentur computandorum liberum atque licitum sit. Si vero Angli antequam dictis insulis excederent aliquos servos vendiderint, pretiumque ipsis numeratum fuerit, non aliter ii servi restituantur nisi pretium redditum ac repensum fuerit.

14. Similiter si quidam ex supradicti Magnae Britanniae Regis subditis (qui inter servos et mancipia non numerabantur) operas suas locaverint, militis vel coloni vel alio quocunque titulo, supradicto Regi Christianissimo vel alicui ex ipsius subditis in praedictis insulis degenti, mercede in annum vel mensem vel diem pacta, post insulae vel insularum restitutionem cesset talis locatio seu obligatio, accepta pro rata operarum iam exhibitarum mercede, liberumque sit ipsis ad suos redire et sub dominio Serenissimi Magnae Britanniae Regis vivere.

15. Quodcunque de praedictis insulis subditisque ibi degentibus statuitur, eodem modo statutum intelligatur de omnibus aliis insulis, arcibus, regionibus, et coloniis, subditisque et servis ibi degentibus, quos quasque supra memoratus Rex Christianissimus armis suis occuparit vel occupabit ante vel post subscriptionem huius tractatus, modo eos easve dictus dominus Magnae Britanniae Rex possederit antequam cum dominis Generalibus Foederati Belgii Ordinibus bellum (cui finis hoc tractatu imponitur) iniret, et vice versa idem etiam statutum intelligatur, quoad eas insulas, regiones, arces, et colonias, subditosque et servos ibidem degentes, qui quaeve supradicti Regis Christianissimi fuerint

ante kalendas Januarias anni millesimi sexcentesimi sexagesimi quinti, quosque vel quas supra memoratus Magnae Britanniae Rex armis suis ante vel post subscriptionem huius tractatus occuparit vel occupabit.

. . . . . .

17. Cum ad praecidendam omnem litis et contentionum materiam, quae oriri posset ex causa restitutionis navium, mercium aliarumque rerum mobilium quas in regionibus et oris longe dissitis post sancitam pacem et antequam ibidem innotescat captas et occupatas fuisse alterutra pars ab altera conqueri posset: omnes naves, merces, aliaque bona mobilia quae post subscriptionem et publicationem praesentis pacti utrinque occupari poterunt, intra spatium [duodecim dierum in maribus proximis, intra spatium] sex hebdomadum a dictis maribus usque ad Sancti Vincentii promontorium, tum intra spatium decem hebdomadum ultra dictum promontorium cis lineam aequinoctialem vel Aequatorem, tam in Oceano et Mari Mediterraneo quam alibi, denique intra spatium sex mensium, trans terminos praedictae lineae per universum orbem, sine ulla exceptione, vel ulteriore temporis locive distinctione, ullave restitutionis aut compensationis ratione habenda, occupantium sint et maneant.

. . . . . .

19. Sub hoc praesenti pacis tractatu comprehendentur illi qui, ante ratihabitionum permutationem vel intra sex menses postea, ab una alteraque parte ex communi consensu nominabuntur, interim tamen quemadmodum partes paciscentes grate agnoscunt sincera officia ac indefessa studia quibus Serenissimus Rex Sueciae, interposita sua mediatione hoc salutare pacificationis opus, Divino adjuvante auxilio, ad exitum optatum promovit, ita ad testandum parem affectum communi partium omnium consensu sancitum et conventum est, ut altissime memorata Sacra Regia Majestas Sueciae cum omnibus suis regnis, ditionibus, provinciis ac juribus huic tractatui sit inclusa, et praesenti pacificatione omni meliori modo comprehensa.

20. Denique huius praesentis pacti ac foederis solemnes ac rite confectae ratihabitiones intra quatuor hebdomadum spatium a die subscriptionis computandum, vel citius si fieri possit Bredae utrinque exhibeantur, et reciproce riteque commutentur.

In quorum omnium et singulorum fidem, majusque robur nos legati extraordinarii et plenipotentiarii cum illustrissimis et excellentissimis dominis legatis extraordinariis mediatoribus huic pacis instrumento subscripsimus, illudque sigillis nostris signavimus. Actum Bredae die vigesima prima styli veteris, novi autem trigesima prima mensis Julii anno millesimo sexcentesimo sexagesimo septimo.

GEORGIUS FLEMINGH. HOLLES. D'ESTRADES.
CHRISTOPHORUS DELPHICUS HENRICUS COVENTRY. COURTIN.
IN DHONA.

[Here follow the powers granted by Charles II. to Holles and Coventry, and the powers granted by Louis XIV. to D'Estrades and Courtin.]

Carolus Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etc., omnibus praesentes literas inspecturis, salutem. Cum in vim facultatum ac mandatorum respective datorum tam a nobis quam a Serenissimo ac Potentissimo principe Galliae et Navarrae Rege Christianissimo, charissimo ac dilectissimo fratre et cognato nostro, dominis Baroni Holles et Coventrye ac dominis Comiti d'Estrades et Courtin, ipsi vigesima prima die mensis Julii stylo veteri, stylo autem novo trigesima prima eiusdem mensis anni praesentis,

tractatum pacis et reconciliationis Bredae concluserint et subscripserint modo et tenore praecedenti;

Nos pactum foedusque illud singulosque articulos in eo comprehensos gratos acceptosque habentes, eos tam nostro quam haeredum, successorum, regnorum, regionum, terrarum, ditionum, subditorum nostrorum nomine approbavimus, confirmavimus, acceptos ratosque habemus totumque fide et jure jurando regio sub obligatione et hypotheca omnium et singulorum nostrorum bonorum, tam praesentium quam futurorum, nos servaturos et impleturos pollicemur nec unquam quidquam contrafacturos nec attentaturos, directe nec indirecte aut alio quovis modo. In cuius rei fidem praesentes propria manu subscripsimus easque magno Angliae sigillo muniri jussimus. Datum apud Westmonasterium vigesimo nono die mensis Julii stylo veteri, stylo autem novo octavo die mensis Augusti; anno reparatae salutis millesimo sexcentesimo sexagesimo septimo, regnique nostri decimo nono.

Carolus R.
Guil. Morice.

Translation.

Be it known to all and singular whom it concerns, or may concern in any way whatsoever, that after war broke out between the Most Serene and Most Potent prince and lord, lord Charles II., king of Great Britain, on the one part, and the Most Serene and Most Potent prince and lord, lord Louis XIV., Most Christian king of the Gauls and of Navarre, on the other part, on the occasion of the war then raging between the said lord King of Great Britain and the High and Mighty Lords States General of the United Provinces of the Netherlands, at length Divine goodness brought it about that thoughts of making peace were conceived, when the Most Serene and Most Potent prince and lord, lord Charles, king of the Swedes, Goths, and Vandals, interposed the friendly and sincere offices of his mediation on account of his particular love and affection for the warring kings and their kingdoms, and also with the desire of renewing and preserving public safety and quiet in the Christian world, and to this end, Breda was chosen by mutual agreement as the place of assembly of the ambassadors and plenipotentiaries. To carry this negotiation through to the desired end, the ambassadors extraordinary of his aforesaid Sacred Royal Majesty of Sweden, the most illustrious and excellent lords, lord George Fleming, free baron of Liebelitz, lord of Norrnäs and Lydinge, senator of his Sacred Royal Majesty and of the kingdom of Sweden, and councillor of the chancellery, as well as lord Christopher Delphicus, burggrave and count of Dohna, hereditary lord of Kurvinden, Schlobitten, Burchardsdorff, Stockenfels, and Fischbach, field marshal and councillor of war of his Sacred Royal Majesty, and also lord Peter Julius Coyet, hereditary lord in Bengtsboda and Liungbygardt, knight, aulic councillor of the chancellery of his Sacred Royal Majesty of Sweden and of state (who, however, soon after coming to this place, while he was laboring at this holy work, was overtaken by a sudden death), employed all industry, dexterity, and prudence, sincerely and unweariedly, in the name of their most clement king and master. And in like manner, the aforesaid kings, striving toward so good a goal, commissioned and deputed their ambassadors extraordinary and plenipotentiary, for negotiating this peace—the King of Great Britain, the most illustrious and most excellent lords, lord Denzil Holles, baron of Ifield, etc., one of the councillors of his Sacred Royal Majesty, and also lord Henry Coventry, son of the right honorable Thomas Coventry, formerly keeper of the great seal of England, gentleman of the bedchamber of

his Sacred Royal Majesty, senator in the supreme council or Parliament of England, and commissioner for settling land claims in the kingdom of Ireland; —the Most Christian King, the most illustrious and most excellent lords, lord Godefroy count d'Estrades, lieutenant-general in the royal armies, governor of Dunkirk, mayor perpetual of Bordeaux, viceroy of America, knight of the orders of his Sacred Royal Majesty, and also lord Honoré Courtin, councillor of state of his Sacred Royal Majesty, master of requests; Who, after the mutual full powers, verbatim copies of which are inserted at the end of this document, were duly exchanged, agreed and decided upon mutual laws of peace, friendship, and alliance, as follows:

1. There shall be universal peace, and perpetual, true, and sincere friendship between the Most Serene and Most Potent King of Great Britain and the Most Serene and Most Potent Most Christian King, and their heirs and successors, and also between their kingdoms, states, and subjects, and this peace shall be preserved and respected so sincerely and inviolably that each shall promote the profit, honor, and advantage of the other; and on all sides neighborly confidence and secure cultivation of peace and friendship shall be renewed and flourish.

. . . . . .

7. The Most Christian King shall restore to the King of Great Britain or to those who shall have received his commands therefor, duly secured with the great seal of England, the part of the island of St. Christopher, which the English possessed on January 1, 1665, before the declaration of the last war, as soon as it can be possibly done, or at the most within six months reckoned from the day of the signing of the present peace. And for this purpose, immediately after the ratification of this peace, the said lord the Most Christian King shall deliver or order to be delivered to the said lord King of Great Britain or to his ministers commissioned therefor, all the necessary documents and orders, drawn up in due form.

8. If however any of the subjects of the said lord King of Great Britain shall have sold the goods which he possessed in that island, and the amount of the sale has been paid to him, he shall not be restored to possession of these goods by virtue of the present treaty until in fact he shall have paid and returned the price or money accepted.

9. If however it should so happen (a thing however not yet known) that the subjects of the Most Christian lord King, should have been driven out of the said island of St. Christopher, by the subjects of the aforesaid lord King of Great Britain before or after the signing of the present treaty, things shall nevertheless be restored to the state in which they were at the beginning of the year 1665 (that is, before the declaration of the war now ending); and the said lord King of Great Britain as soon as he shall have learned of this thing, shall without any hesitation or delay deliver or order to be delivered to the Most Christian lord King aforesaid, or to his ministers empowered for this purpose, all the documents and orders properly drawn up that are necessary for this restitution.

10. Moreover the said lord King of Great Britain shall restore to the said lord the Most Christian King, or to those who shall receive for that purpose his powers duly passed under the great seal of France, the country which is called Acadia, situated in North America, which the said lord the Most Christian King formerly possessed; and for this purpose immediately upon the ratification of this treaty the said lord King of Great Britain, shall deliver or

order to be delivered to the said lord the Most Christian King, or to his ministers empowered therefor, all acts and orders, properly drawn up, which shall be necessary to the said restitution.

11. If however any of the inhabitants of that country called Acadia shall prefer to be subject in future to the rule of the Most Serene King of Great Britain, they shall be at liberty to depart within the space of one year, to be reckoned from the day of the restitution of that country; they shall be at liberty to sell, alienate, or otherwise, as shall seem good to them, freely dispose of their lands, fields, slaves, and all their goods, movable and immovable; and whoever shall have contracted with them for the same shall be held to fulfill such contracts by the authority of the Most Serene Most Christian King. But if they shall prefer to carry away with them their money, household furnishings, utensils, slaves, and all their movables, they may do so freely without any hindrance or molestation whatsoever.

12. Also, the Most Christian King shall in the manner aforesaid restore to the King of Great Britain the islands called Antigua and Montserrat, if they shall be in his power; and likewise any other islands, countries, fortresses, and colonies which shall have been taken by the arms of the said lord the Most Christian King before or after the signing of the present treaty, and which the said lord the King of Great Britain possessed before he entered into war with the States General of the United Provinces of the Netherlands—a war which this treaty ends. And reciprocally the said lord King of Great Britain shall restore to the aforesaid lord the Most Christian King, in the manner aforesaid, all the islands, countries, fortresses, and colonies, situated in whatsoever part of the world, which shall have been taken by his arms before or after the signing of the present agreement, and which the said lord the Most Christian King possessed before January 1, 1665.

13. But if any of those slaves, that served the English in that part of the island of St. Christopher belonging to the aforesaid King of Great Britain, and also in the islands called Antigua and Montserrat, when they were taken by the arms of the aforesaid Most Christian King, shall wish to return again under the dominion of the English (but without any force or constraint), they shall be at liberty to do so within the period of six months reckoned from the day on which these islands shall be restored. But if the English before leaving the said islands shall have sold any slaves and the money shall have been paid for them, those slaves shall not be restored unless the price be returned and repaid.

14. Similarly if any of the subjects of the aforesaid King of Great Britain (who were not reckoned among the slaves) have hired themselves, under the name of soldier, laborer, or any other title whatsoever, to the aforesaid Most Christian King or to any of his subjects dwelling in the aforesaid islands, for wages by the year, month, or day, such hiring or agreement shall cease after the restitution of the island or islands, and, wages having been paid in proportion to the labor already performed, they shall be at liberty to return to their own countrymen and to live under the dominion of the Most Serene King of Great Britain.

15. Whatever is agreed on concerning the aforesaid islands and the subjects dwelling therein shall be understood to be similarly agreed on with respect to all other islands, forts, countries, and colonies, and the subjects and slaves dwelling therein, whom and which the aforesaid Most Christian King has taken by his arms, or shall take before or after the signing of this treaty, provided that the said lord King of Great Britain possessed them before he entered into the war with the lords States General of the United Netherlands—the war which is terminated by this treaty. Reciprocally the same shall be also

understood to be agreed on with respect to the islands, countries, fortresses, and colonies, and the subjects and slaves dwelling therein, who or which belonged to the aforesaid Most Christian King before January 1, 1665, and whom or which the aforesaid King of Great Britain has taken or shall take by his arms before or after the signing of this treaty.

. . . . . .

17. And to remove all ground for disputes or controversies that might arise with reference to the restitution of ships, merchandise, and other movables that either party might complain had been captured and seized by the other in far distant regions and coasts after peace had been signed and before it became known there: all ships, merchandise, and other movable goods which after the conclusion and publication of the present covenant shall have been taken by either side, shall remain in the possession of those who have seized them within the period of twelve days in the nearest seas, within the period of six weeks from the said seas as far as to Cape St. Vincent, and within the space of ten weeks beyond that Cape and on this side of the equinoctial line or Equator, both in the Ocean and in the Mediterranean Sea and elsewhere, and finally within the period of six months beyond the aforesaid line, throughout the whole world, with no exception or further distinction of time or place, and without furnishing any ground for restitution or compensation.

. . . . . .

19. Those who before the exchange of ratifications, or within six months after, shall be named by common consent of both parties shall be comprehended in the present treaty of peace. But meanwhile as the contracting parties gratefully recognize the sincere offices and unwearied zeal with which the Most Serene King of Sweden, by interposing his mediation, has, with the assistance of Divine aid, forwarded this salutary work of peace to the desired end, therefore, to show a like affection, it has been agreed and determined with the common consent of all parties, that his aforesaid Sacred Royal Majesty of Sweden, with all his kingdoms, dominions, provinces, and jurisdictions, shall be included in this treaty, and comprehended in the present peace in the best possible form.

20. And finally solemn ratifications, properly drawn up, of this present treaty and alliance shall be exhibited at Breda by both sides, within the space of four weeks reckoned from the day of signing, or sooner if possible, and shall be reciprocally and duly exchanged.

In confirmation and for the greater authority of all and singular whereof, we the ambassadors extraordinary and plenipotentiary together with the most illustrious and most excellent lords, the ambassadors extraordinary, the mediators, have signed this instrument of peace, and thereto put our seals. Done at Breda, July 21, old style, or July 31, new style, in the year 1667.

GEORGIUS FLEMINGH. HOLLES. D'ESTRADES.
CHRISTOPHORUS DELPHICUS in DOHNA. HENRY COVENTRY. COURTIN.

[Here follow the powers granted by Charles II. to Holles and Coventry, and the power granted by Louis XIV. to D'Estrades and Courtin.]

Charles by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., To all who shall inspect these present letters, greeting. Whereas by virtue of the faculties and mandates respectively given both by us and by the Most Serene and Potent prince, the Most Christian King of France and Navarre, our most dear and most beloved brother and kinsman,

to the lords Baron Holles and Coventry and to the lords Count d'Estrades and Courtin, they on July 21 old style, of the present year, July 31, new style, have concluded and signed a treaty of peace and reconciliation at Breda in the manner and form preceding,

We, regarding that treaty and alliance and the individual articles comprehended therein as pleasing and acceptable, both have approved and confirmed them in our own name and in that of our heirs, successors, kingdoms, countries, lands, dominions, and subjects, and accepted and ratified them, and we promise on our royal faith and oath under pledge and security of all and singular our goods, both present and future, that we will preserve and fulfill them and will never infringe or violate any of them, directly or indirectly or in any other way. In confirmation whereof, we have signed these presents with our own hand and commanded them to be secured with the great seal of England. Done at Westminster, on the 29th day of the month of July, old style, or the 8th day of the month August, new style, in the year of salvation 1667 and of our reign the nineteenth.

CHARLES, King.
WM. MORICE.

59.

First treaty of partition of the Spanish dominions between France and the Emperor, concluded at Vienna, January 20, 1668, N. S. Ratification by the Emperor, February 28, 1668. [Ratification by France, February 2, 1668.]

INTRODUCTION.

On November 7, 1659, the plenipotentiaries of France and Spain concluded a treaty of peace between the two crowns (treaty of the Pyrenees), and signed a contract of marriage between Louis XIV. and the Infanta Maria Theresa, older daughter of Philip IV. and only surviving child of his first wife.[1] The marriage contract provided that Philip IV. should pay a dowry of 500,000 crowns, and that, on condition of this payment, the Infanta should never claim any further paternal or maternal inheritance (art. 4); nor should she or her descendants succeed to any of the dominions appertaining to the Spanish crown, unless she should return to Spain a childless widow and remarry (arts. 5 and 6).[2] In accordance with the terms of the contract, and shortly before the celebration of her marriage, in June, 1660, the Infanta renounced these public and private rights.[3] But on various grounds, of which the non-payment of the dowry was perhaps the most important, Louis XIV. held that the renunciation was invalid, and sought in vain to have it revoked by Philip IV.[4]

In September, 1665, Philip IV. died, and was succeeded by his only surviving son, Charles II., a frail young child, whose mother, Mariana of Austria, became regent. In case Charles should die without legitimate heirs, as seemed probable, Philip had bequeathed the whole inheritance to his younger daughter, Margarita Theresa, and her descendants. At the time of her father's death, Margarita was betrothed to the Emperor Leopold, and she married him a year later.[5]

Louis XIV. refused to acquiesce in the exclusion of his wife and their descendants from the entire Spanish succession. For some years he had been seeking to establish, on the basis of ancient local customs and particularly of the so-called *droit de dévolution,* the right of his wife, as the child of Philip's

[1] The contract is published, in Spanish and French, in Abreu y Bertodano, *Colección de los Tratados de Paz de España,* VII. 324-363; in French, in Dumont, *Corps Diplomatique,* vol. VI., pt. II., pp. 283-287, and in H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893-1899), I. 177-187.

[2] Vast (*op. cit.,* p. 180, n. 1) argues cogently, in opposition to Legrelle (*La Diplomatie Française et la Succession d'Espagne,* I. 19), that the payment of the dowry was a condition of the renunciation of Maria Theresa's public as well as private rights.

[3] The renunciations are given in Spanish in Abreu y Bertodano, *op. cit.,* pp. 385-400, and in French in Dumont, *Corps Diplomatique,* vol. VI., pt. II., pp. 188-292.

[4] Mignet, *Négociations relatives à la Succession d'Espagne,* I. 71 ff.

[5] *Ibid.,* pp. 377, 382.

first marriage, to succeed to the greater part of the Spanish Netherlands, as well as to parts of Burgundy and of Luxembourg, immediately upon the death of her father. Abandoning an attempt to negotiate with De Witt an agreement to divide Flanders between the United Provinces and France, and failing, after the death of Philip, to win the Spanish government's recognition of the *droit de dévolution,* Louis XIV. determined to take possession of part of the Spanish Netherlands by arms.

Circumstances and the skillful diplomacy of Louis's minister, De Lionne, made the spring of 1667 a propitious time for him to invade Flanders. Louis had made treaties with Portugal against Spain;[6] with the United Provinces,[7] and with England,[8] prohibiting them from aiding Spain; and secret alliances with the German princes of the Rhineland, promising them subsidies and binding them not to permit imperial troops to pass through their territory to support the Spaniards against France.[9] After these preparations, Louis, in May, 1667, began his "journey" into the Spanish Netherlands, and in about three months gained control of the greater part of the country. Military operations then paused, and diplomacy was again set in motion.

Upon the outbreak of hostilities, Spain had appealed to the Emperor Leopold and the states of the Empire for aid,[10] while France warned them to refrain from giving assistance on the ground that this would violate the treaty of Münster and the capitulation of Frankfurt.[11] The German princes did not wish to intervene, except by way of mediation, and the timorous, irresolute, and powerless Emperor feared to act without their support.[12] Nevertheless, during the summer, Leopold became more and more inclined to help the Spanish government, which pressed its cause vigorously; but the bold representations of De Gremonville, the supremely adroit envoy extraordinary of France at the court of Vienna, stopped any unfriendly action, even the raising of recruits for the imperial army.[13] In October the imperial ambassador in France hinted that the Emperor would be more disposed than formerly to listen to overtures for a treaty partitioning the Spanish inheritance between the Austrian and French crowns in case Charles II. should die without legitimate heirs.[14] Such a treaty would involve the recognition by the Emperor of Louis's right to the Spanish succession and would tend to a speedy termination of the existing war between France and Spain and to a permanent peace. For the latter reason a treaty of partition had been approved by the electors of Cologne and Mainz in the earlier part of the year 1665;[15] for the former reason it was urged by the King of France from the autumn of 1665 until early in the year 1667.[16]

[6] See above, Doc. **55,** pp. 97-98.
[7] See above, Doc. **52.**
[8] See above, pp. 119, 132-133.
[9] The treaties with the German princes are in Mignet, *op. cit.,* II. 23 ff.
[10] *Ibid.,* pp. 137, 138, 203.
[11] *Ibid.,* pp. 139-143, 164-165.
[12] *Ibid.,* pp. 254 ff.
[13] *Ibid.,* pp. 211-224, 234, 239-254.
[14] *Ibid.,* p. 337.
[15] Legrelle, *Succession d'Espagne,* I. 106-109.
[16] *Ibid.,* pp. 109-124.

At the beginning of the year 1668, De Gremonville began negotiations at Vienna. Negotiations and treaty were to be kept a profound secret. With this in view, only one plenipotentiary was appointed on either side—De Gremonville for France; Auersperg for Austria. De Gremonville knew that Auersperg had an overweening ambition for the cardinal's hat, and at crises in the negotiations he won concessions from him by promising that Louis XIV. would aid him to obtain the coveted honor. The French plenipotentiary also consulted with Lobkowitz, another of the leading councillors of the Emperor, favorably inclined to France.

De Gremonville was instructed [17] to urge the advantages of establishing a community of interests between France and Austria that would render them independent of other powers and would prevent them from engaging in a war against one another, from which other princes would probably profit. If such a war extended to the Indies the Emperor would have to depend absolutely upon the Spanish garrisons there, and the islands would be left to the English and Dutch to pillage and would perhaps set up as many kinglets as they had viceroys and governors. It would be much better for the sons-in-law of the late King of Spain to avoid these dangers by agreeing to an eventual partitioning, which would render the governors of the Indies (as well as of other places) obedient to him who should be their master. The treaty was to be in two parts, of which one concerned the rights in Flanders already claimed as fallen to the queen by the death of her father; the other, the much greater rights that would fall to the queen in case her brother, Charles II., died without legitimate heirs. In connection with the first, De Gremonville was empowered to agree to the following conditions of peace with Spain: that the King of Spain should make peace with the King of Portugal *de roi à roi*; that he should yield to the King of France the places occupied by the latter in the recent campaign; or, as an alternative, the duchy of Luxembourg, Cambrai and the Cambrésis, Douai, Aire, St. Omer, Bergues, and Furnes; in which case, the King of France would restore to him Charleroi.[18]

De Gremonville was to persuade the Emperor not to aid the Spaniards, if they rejected these offers; or at least to promise to do all that he could to make the Spaniards accept them.

As to the second part of the treaty, the eventual inheritance of the brothers-in-law should be divided as follows: the Emperor should have the kingdoms of Spain, except Navarre and its dependencies and Rosas; all the West Indies; the Canary Islands; all the places of Africa; Sicily; Sardinia; the Balearic Isles. The King of France should have the remainder of Flanders, not previously ceded to him; Franche-Comté; the duchy of Milan; the kingdom of Naples; the ports of Tuscany, including Porto Longone; Finale; Navarre and its dependencies; Rosas; the Philippines. If De Gremonville could not possibly obtain this division, he might by degrees surrender the Philippines, Rosas, and

[17] Mignet, *op. cit.*, II. 358 ff.

[18] These were (virtually) the terms accepted by De Witt as those which the Dutch would help him to obtain from Spain. *Ibid.*, pp. 365 ff. *Cf.* Doc. **60.**

Navarre and its dependencies. Rather than break on the point of Milan and Finale, he might yield them in exchange for Sicily and Sardinia.

The Austrians professed themselves dissatisfied with the proposed partition. In vain did De Gremonville urge that Spain and the West Indies were worth all the rest.[19] "What have we to do with the Indies?" said Lobkowitz. "Take them for yourselves, for your king will have more power than we to oblige the Spaniards to undergo his domination; besides he has such great sea forces that he could better preserve these islands and these places in Africa that you offer us."[20] At another time he said, "In the name of God deliver us from these Indies, or give us the means to take possession of them." But he laughed for a quarter of an hour when De Gremonville replied that the King of France would see that in the division of the personal property all the ships went to him.[21] The Austrians argued that the Emperor should have all of Italy in his share, since he could take possession of this easily, whereas there would be infinite difficulties in taking possession of Spain and the Indies;[22] yet when De Gremonville proposed that Leopold take Naples, Milan, Sardinia, and Spain (with exceptions), while Louis took Sicily, the Balearic Islands, Catalonia, the places in Africa, the Philippines, the Canaries, the West Indies, Navarre, Rosas, and Flanders, Auersperg declared that the Indies were inseparable from Spain, and that she must also have at least a port in the Canaries for the navigation to the Indies.[23]

Another point of dispute was connected with the guaranty that either party should, if necessary, aid the other to obtain possession of its inheritance. De Gremonville hesitated to promise naval aid, since it would involve too great and unequal a burden if France should be obliged to help the Emperor to acquire Spain and the Indies.[24] However, he finally yielded this point and conceded Milan and the Italian ports to Austria, as well as Spain (with exceptions), the West Indies, Sardinia, the Canaries, and the Balearic Islands; while Austria yielded to France the whole of Flanders, Franche-Comté, the Philippines, Navarre, Rosas, the places on the African coast, the kingdom of Naples, and Sicily.

The treaty, which contained elaborate provisions for the utmost secrecy, was signed on January 20, about two hours after midnight, but dated the 19th because Auersperg's powers extended only to that date.[25]

Bibliography.

Text: MS. The ratification by the Emperor is in the bureau of the archives of the Ministry of Foreign Affairs in Paris. The ratification by Louis XIV. is in the Austrian State Archives, according to L. Bittner, *Chronologisches Verzeichnis der Oesterreichischen Staatsvorträge* (1903-1917), I. 68.

[19] Mignet, *op. cit.*, II. 399.
[20] *Ibid.*, pp. 402, 403.
[21] *Ibid.*, p. 404.
[22] *Ibid.*, pp. 405, 411, 415, 416, 432.
[23] *Ibid.*, p. 425.
[24] *Ibid.*, pp. 418, 419, 430.
[25] *Ibid.*, p. 437.

Text: Printed. A. Legrelle, *La Diplomatie Française et la Succession d'Espagne* (1888-1892), vol. I., app. no. 5, pp. 518-528.

Translation: French. F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne sous Louis XIV.* (1835-1842), II. 441-449, in *Collection de Documents Inédits sur l'Histoire de France.*

References: Contemporary and early writings. F. A. A. Mignet, *op. cit.*, II. 326-481, *passim*; *Oeuvres de Louis XIV.* (1806), II. 328, 329, 369-372, VI. 403-419; *Mémoires pour l'Instruction du Dauphin* (ed. Charles Dreyss, 1859-1860).

References: Later writings. F. A. A. Mignet, *op. cit.*, II. 323-481, *passim*; A. Legrelle, *op. cit.*, I. 101-148; A. Wolf, *Fürst Wenzel Lobkowitz* 1869), pp. 159 ff.; Franz Scheichl, *Leopold I. und die Oesterreichische Politik während des Devolutionskrieges 1667/8* (Leipzig, 1887?); A. F. Pribram, *Franz Paul Freiherr von Lisola, 1613-1674, und die Politik seiner Zeit* (1894); E. Lavisse, *Histoire de France* (1900-1911), vol. VII., pt. II., pp. 286-293; B. Erdmannsdörffer, *Deutsche Geschichte vom Westfälischen Frieden bis zum Regierungsantritt Friedrich's des Grossen* (1892-1893), I. 512-519, in W. Oncken, *Allgemeine Geschichte in Einzeldarstellungen* (1879-1893), III. (7).

Text.[26]

Nos Leopoldus Dei gratia Romanorum imperator, semper augustus, Germaniae, Hungariae, Bohemiae, Dalmatiae, Croatiae, et Sclavoniae rex, archidux Austriae, dux Burgundiae, Stiriae, Charinthiae, Carnioliae, comes Tyrolis et Goritiae, etc. significamus omnibus et singulis praesentes literas inspecturis, quod cum tractatum decimo nono proxime praeterlapsi mensis Januarii in hac nostra ressidentia et urbe Vienna initum, et nostro nomine, a nostro intimo consiliario Joannis Waichardi ducis Münsterbergensis in Silesia et nostri et Sacri Romani Inperii principis ab Auersperg dilectione ex una, deinde Serenissimi Galliarum et Navarrae Regis Christianissimi consiliorum status, locum tenentem generalem militiae regiae, et equitem Hyerosolimitanum de Gremonville ex altera parte, mutuis plenipotentiarum tabulis recognitis et pro validis et sufficientibus habitis, obsignatum viderimus, examinaverimus, qui sequentis tenoris est:

In nomine Sanctissimae et Individuae Trinitatis. Amen.

Notum sit universis et singulis, quorum interest aut quomodolibet interesse potest.

Postquam Serenissimus et Potentissimus princeps ac dominus, dominus Leopoldus electus Romanorum imperator, semper augustus, Germaniae, Hungariae, Bohemiae, Dalmatiae, Croatiae, Sclavoniae etc. rex, archidux Austriae, dux Burgundiae, etc. comes Goritiae et Tyrolis, etc. aeque ac Serenissimus et Potentissimus princeps ac dominus, dominus Ludovicus XIV., Galliarum et Navarrae Rex Christianissimus, assidue apud animum suum cogitarent, quanto id bono rei Christianae fieret, si praesens bellum Belgicum facile alioquin vicina quoque regna sui flamma correpturum non modo mox sopiretur, sed omnis praeterea occasio, radix, et fomes futuris etiam bellis alimentum praebiturus penitus tolleretur, neque ulli regum orbis Christiani magis convenire quam majestatibus suis, omni studio conatuque atque adeo intentissima

[26] From the original manuscript of the ratification by the Emperor, preserved in the archives of the Ministry of Foreign Affairs in Paris.

in id cura incumbere, ut suae cuique posteritati a bellorum malis satis superque praecautum esset, quippe quae et mutuo inter se, et utraque cum Serenissimo ac Potentissimo domino, domino Carolo Secundo, Hispaniarum Indiarumque Rege Catholico, et cognationis et affinitatis nexu arctissime devinciantur, quod propterea statuerint mutuo foedere se strictius jungere, ideoque suis ministris, et quidem Sacra Caesarea Majestas (*titulus*:) Joanni Waichardo duci Münsterbergensi, Sacri Romani Imperii principi ab Auersperg, a consiliis arcanis etc. et Sacra Regia Majestas Christianissima vero (*titulus*:) Jacobo Brethel à Gremonvilla, Sacri Ordinis Hyerosolimitani equiti ac commendatori, consiliario in consiliis status Sacrae Regiae Majestatis Christianissimae, necnon locum tenenti generali in militia Galliae, plenam potestatem fecerint ad foedus tractandum concludendumque, iique ministri, visis, recognitis, atque invicem plenipotentiarum tabulis commutatis, sub obligatione rati, id ipsum foedus sanciverint, quod sequentibus articulis explicatius proditur.

1. Sit firma, constans pax atque amicitia foedusque perpetuum inter Sacram Caesaream Majestatem, ejusque filios, haeredes, et successores, regna et provincias, ex una, et Sacram Regiam Majestatem Christianissimam, ejusque filios, haeredes, et successores, regna et provincias, ex altera parte, altera alterius commoda promoveat, avertat incommoda, et, si quae (ut humana sunt) imposterum dissensiones, discordiae, et controversiae nascerentur, eae non nisi vel jure vel amicabili via et modo finiantur, vi omni armorumque usu remoto.

2. Cum Ordines Generales Foederatarum Provinciarum Belgii receperint quantocius Serenissimo Hispaniarum Regi Catholico proponere media reintegrandae pacis, nimirum ut Serenissimi Galliarum Regis Christianissimi perpetui juris et dominii fiant cedanturque sequentia loca—Cameracum, Cambresi, Ducatus Lucemburgi, vel, hujus loco, Burgundia vulgo Franche Conté dicta, Duacum, Aire, Sanct Omer, Berg, Furnes—alte memorata Majestas Regia Christianissima quoque bono pacis in id consentiat, promittatque eo casu reliqua omnia proxime elapso anno occupata loca, una cum Charles Roy (cujus tamen munimenta extructa demolienda sunt), restituere, dummodo intra totum mensem Martium proximum Serenissimus Hispaniarum Rex Catholicus propositioni huic decenter annuat, simulque pacem Lusitanam de rege ad regem tractando amplectatur, conventum est, ut Sacra Caesarea Majestas, a die subscripti et utrinque ratificati hujus foederis, vi ejusdem teneatur, apud Serenissimam Hispaniarum Reginam, sororem suam amantissimam, velut ejusdem filii Caroli Secundi Hispaniarum Regis Catholici tutricem et regentem, summo studio conatuque adlaborare, ut, concessis nimirum restitutisque supradictis locis, pax pristina inter cognatos reges mox denuo sanciatur; quod si vero dicta propositio paxque Lusitana de rege ad regem tractando sic super conditionibus, de quibus inter partes conventum est, ab Hispanis rejiceretur, incoeptumque bellum diutius extrahi, inque eo occupari contingeret loca, quae in futura haereditatis divisione ad Sacrae Caesareae Majestatis ejusque filiorum, haeredum, ac successorum portionem pertinerent, Sacra Regia Majestas Christianissima ejusque filii, haeredes, et successores sancte bonaque fide promittunt ea loca eveniente casu Sacrae Caesareae Majestati, ejusque filiis, haeredibus, et successoribus, nullis prorsus belli sumptibus imputandis, restituere. Vicissim vero sancitum sit, si ab Hispano regimine supradictae conditiones, vel aliae similes iis, per Ordines Generales Foederatarum Provinciarum Belgii oblatae propositaeque respuerentur, ut Sacra Caesarea Majestas ejusque filii, haeredes, et successores hoc bello durante, nullas neque directe neque indirecte in Belgio suppetias et auxilia ferant. Si vero vel a Rege Christianissimo ejusque filiis, haeredibus, et successoribus, vel a quolibet alio quavis de causa extra Belgium in aliis quibuscunque regnis et provinciis, quae juris et ditionis His-

paniarum Regis Catholici sunt, bellum moveatur, ut Sacrae Caesareae Majestati ejusque filiis, haeredibus, et successoribus integrum atque liberum sit, quaelibet eo, idest in eis provinciis et regnis extra Belgium sitis, auxilia dare, quodque propterea nulla ratione praesens hocce foedus haereditatis dividendae infractum infirmatumque sit, sed in suo nihilominus robore et firmitate esse et permanere intelligatur, quin imo si talia extra Belgium auxilia ferendo inter Sacram Caesaream et Sacram quoque Regiam Majestatem Christianissimam, ejusque filios, haeredes, et successores, ad arma veniretur, neque propterea etiam Sacrae Caesareae Majestati in Gallias iisque incorporatas provincias, neque Sacrae Regiae Majestati Christianissimae in regna et provincias Sacrae Caesareae Majestatis haereditarias, neque per se neque per alios arma inferre ullo modo concessum permissumque sit.

3. Etsi Majestatibus suis vel sola cogitatione nedum re ipsa nil in vita acerbius tristiusque evenire posset quam si Serenissimus Hispaniarum Rex Catholicus consanguineus cognatus et affinis utrique amantissimus, sine liberis ex legitimo matrimonio natis immature decederet, suisque precibus Divinam Bonitatem enixe rogaturae sint ne id eveniat; quia tamen in humanis omnia fluxa et caduca, et Majestatibus suis praecipue incumbat, malis inde nascituris quoad fieri potest et tempestive mederi, idque efficere, ne novi belli incendia, quae ex tantae haereditatis additione controversa facile orirentur, charissimam cuique posteritatem flagrantius comprehendant, propterea, re diu multumque deliberata perpensoque Europae statu, bonoque rei Christianae, necessarium quidem aliquod, nullum vero convenientius ipsoque fine optimo excusatius remedium inventum est, quam si jam nunc in supradictum et nunquam satis dolendum casum mortis eventualis fieret haereditatis divisio. Itaque implorato in primis Divino auxilio conventum est, ut si Sacram Caesaream Majestatem, ejusque filios, haeredes, et successores, et suam quoque regiam Majestatem Christianissimam ejusque filios, haeredes et successores, Serenissimo Carolo Secundo Hispaniarum Regi Catholico sine liberis ex legitimo matrimonio natis decedenti superstites esse contingeret, totius haereditatis monarchiae Hispanicae divisio sit, fiat, valeatque tunc, eo casu eveniente, modo sequenti,— Nempe Sacrae Caesareae Majestati ejusque filiis, haeredibus, et successoribus cedat obtingatque pro haereditatis portione, regna Hispaniae, exceptis excipiendis iis de quibus mox infra explicatius dicetur: Indiae Occidentales, ducatum Mediolanensis, atque eo pertinens jus subinfeudandi ducatum Senae, Finalium, Portus vocatus Longon, Herculis, Orbitello, et qui portus juris Hispanici, in littore Ligustici maris, sive vulgo mare di Toscana dictum, usque ad regni Neapolitani confinium sive territorium interjacent, Sardiniae Insula, Insulae Canariae, Insulae Baleares, vulgo Maiorica, Minorica, Iviza dictae; Sacrae Regiae Majestati Christianissimae vero, ejusque filiis, haeredibus, et successoribus cedat obtingatque pro haereditatis suae portione Belgium totum quod Hispani possident, sub quo etiam comprehenditur Burgundia, Franche Conte dicta, Insulae Philippinae Orientales, Regnum Navarrae cum iis pertinentiis quae hodie pro talibus habentur, Rosas cum pertinentiis suis, loca in littoribus Affricae sita, regnum Neapolitanum et Siciliae cum suis pertinentiis et insulis adjacentibus quae hodie eo pertinent, sub istis vero non censeatur portus vocatus Longon, Herculis, Orbitello, et loca et portus ditionis Hispanicae qui a Finalio ad territorium et confinium usque regni Neapolitani interjacent, sed maneant ut supra ad portionem Caesaream; et quia etiam ad possessionem ejusdem regni Neapolitani et Siciliae obtinendam investitura Summorum Pontificum necessaria est, pars utraque suo tempore decenter indesinenterque instabit apud Suam Sanctitatem, tempore evenientis casus existentem, ut eam quoties opus fuerit de more impertiatur.

4. Si vero contingeret, ut alterutri parti in adeunda suae haereditatis portione difficultas oriretur, atque alterius ope indigeret, statuitur ut pars altera alteri, ubi et quandocunque opus fuerit, terra marique, ad possessionem haereditatis obtinendam reciproca auxilia requirenti, consilio, opere, viribus, armis, classibus, justo denique exercitu praesto sit succurratque; sic tamen ut belli sumptus nulla ratione et praetextu parti requirenti imputentur, sed eos pars auxilia ferens faciat, et pro requirentis voluntate cum eodem milite, classibus, aut exercitu, non attentis quibuscunque praetextibus morae, mox iterum in ditiones proprias recedat.

5. Statutum insuper est, ut neutri partium contra hoc foedus liceat alegare, valeantque ullae exceptiones juris vel facti, quae hodie sunt vel unquam esse excogitarive possunt, sed id cum omnibus suis clausulis et articulis firmum constansque et inviolabile sit et maneat usque donec Serenissimus Hispaniarum Rex Catholicus (quod Majestates suae unice exoptant) prima prole auctus fuerit, et ad sex insuper annos a nativitate prolis computandos, ita ut exactis his sex annis foedus hoc ipso facto exspiret, et partes obstrictae sint, sua quaelibet instrumenta foederis, ratificationis et plenipotentiae recipere tanquam nunquam quidquam actum fuisset: licitum tamen sit partibus de extensione foederis durantibus his sex annis porro agere et convenire.

6. Intra mensem a die subscriptionis hujus instrumenti computandum teneantur partes suas sibi omnino in optima forma conceptas ratificationes pro se, uxore, filiis, haeredibus, et successoribus, et quidem Sacra Regia Majestas Christianissima sub sigillo minori munitas, sua tamen propria manu subscriptas, et omnes pro tempore solemnitatum solitarum deffectus supplente exhibere, ubi vero casus supradictus mortis evenerit, indeque necessum erit originalia instrumenta mutuo commutare, tum insuper, et Sacra Majestas Caesarea, ejusque filii, haeredes, et successores, itidem et Sacra Regia Majestas Christianissima, ejusque filii, haeredes, et successores teneantur pro se, uxore, filiis, haeredibus, et successoribus omnium maxime solemnem ratificationem pariter ac renunciationem super portione sibi mutuo cessa et attributa ea forma et clausulis, quae in curia regnoque utriusque validissimae esse judicantur, praeter supradictas sibi invicem extradere.

7. Pro majori quoque secreto tanti negotii sancitum sit, ut partis utriusque instrumenta originalia, ratificationes una cum plenipotentiarum tabulis in unum fasciculum convoluta sigillisque D. Principis ab Auersperg et D. Equitis a Gremonvilla obseratum includantur, isque fasciculus apud dominum Magnum Etruriae Ducem deponendus curetur, sic tamen, ut Serenitas sua, a Majestatibus suis per utriusque ministros ad id plenipotentia idonea instructos, una requisita utrique, et Majestati Caesareae et Sacrae Regiae Christianissimae literas reversales binas ejusdem exempli prius extradat, quibus pro se, filiis, haeredibus, et successoribus suis depositionis fidem, custodiam, secretumque, sancte et in verbo principis promittat, quodque dictum fasciculum depositum nulli partium seorsim, sed utrisque simul et semel ubi et quoties ab ambabus partibus una requiretur, fideliter omnique fraude ommissa reddet illaesa. Partes vero ipsae intra sex septimanas a die supradictae mortis computandas teneantur dicti fasciculi restitutionem petere, et instrumenta in eo contenta commutare, indeque altera alterius executionem ubi opus fuerit, et quemadmodum supra articulo quarto plenius memoratum est, omnino promovere.

8. Sancitum quoque sit, ut nulli partium quacunque de causa aut praetextu interea sit permissum cum quo unque rege, principe, aut republica ullum foedus aut pactum ferire, quod huic foederi, directe vel indirecte, in quolibet sui articulo vel clausula, repugnet, et si quod simile casu vel quavis alia de causa

iniretur, id pro ea qua adversatur parte pro irrito nulloque habeatur. Licitum tamen sit partibus extra Belgium belligerantibus pro eo sibi bello socios pro voluntate per foedera asciscere, in suo tamen interim vigore manentibus instrumento pacis Monasterii Westfalorum concluso, illoque altero ad Pyrreneos a cognatis duobus regibus inito juratoque.

9. Caeterum cum totius orbis Christiani, maxime vero et Sacrae Caesareae et Regiae suae Majestatis Christianissimae, eorumque filiorum, haeredum, et successorum, regnorum, et provinciarum intersit foedus hocce perpetuum atque inviolabile esse, atque eveniente casu in exsecutionem effectumque deduci, suae quoque Majestates nil quieti publicae convenientius existimant, quam id omnibus suis clausulis sanctissime servari, neque unquam committent ut suae, suorumque filiorum, haeredum, et successorum in eo exsequendo partes desiderentur. Attamen pro majori securitate atque adeo abbundante cautela hujusce foederis sancitum sit, ut mox a resseratis commutatisque instrumentis originalibus a Sacra Caesarea et Sacra Regia Majestate Christianissima, eorumque filiis, haeredibus, et successoribus, una et simul cum fidejussoribus, sive ut vocant garantia praestanda decenter requirentur Summus Pontifex inprimis, dein Serenissimi et Potentissimi Reges Angliae, Sueciae, Daniae, electores et principes Imperii, Respublica Veneta, Dux Sabaudiae, Magnus Dux Florentiae, Helvetiae Respublica et Genova atque Ordines Generales Foederatarum Provinciarum Belgii, et si qui alii pro eo tempore partibus videbuntur idonei. In quorum omnium et singulorum fidem majusque robur, nos duo vi plenipotentiae nostrae instrumentum hocce manibus sigillisque nostris propriis subscripsimus et munivimus. Datum Viennae die decima nona Januarii, anno milesimo sexgentissimo sexagesimo octavo.

Nos acceptaverimus, aprobaverimus, et ratificaverimus, et per has praesentes manu et subsignatione nostra corroboratas, approbemus, confirmemus, et ratificemus dictum tractatum et omnes ejusdem articulos suprascriptos, tam nostro quam Imperatricis nostrae sponsae et omnium nostrorum haeredum et successorum nomine, promittentes sub fide et verbo Caesareo tenere, custodire, et observare inviolabiliter dictum tractatum de puncto et capite in caput et punctum, secundum ejusdem forman et tenorem sine ulla contraventione, nec etiam nos permissuros ut huicce vel per directum vel indirectum ullo modo vel praetextu, quo modo id fieri posset, contraveniatur. In quorum fidem hasce praesentes sigillo nostro muniri curavimus. Dabantur in nostra residentia et urbe Vienna die vigesima octava Februarii, anno millesimo sexcentesimo sexagesimo octavo, regnorum nostrorum Romani decimo, Hungarici decimo tertio, et Bohemici duodecimo.

Leopoldus.
Joannes Gars Hocher.

Translation.

We, Leopold, by the grace of God emperor of the Romans, ever august, king of Germany, Hungary, Bohemia, Dalmatia, Croatia, and Slavonia, archduke of Austria, duke of Burgundy, Styria, Carinthia, Carniola, count of Tyrol and Görz, etc., Signify to all and singular who shall see these present letters, that whereas, on the nineteenth of the month of January last past, in this our residence and city of Vienna, a treaty was entered into and signed in our name by our privy councillor, Johann Weichard, duke of Münsterberg in Silesia, and by our favor and that of the Holy Roman Empire prince of Auersperg, on the one part, and on the other part by De Gremonville, one of the

councillors of state of the Most Serene and Most Christian King of France and Navarre, lieutenant-general of the royal forces, and knight of Jerusalem, after their powers had been mutually examined and deemed valid and sufficient, which treaty we have viewed and examined, and which is of the following tenor:

In the name of the Most Holy and Indivisible Trinity, Amen.

Be it known to all and singular whom it concerns or may concern, in any way whatsoever:

After the Most Serene and Most Potent prince and lord, lord Leopold, elected emperor of the Romans, ever august, king of Germany, Hungary, Bohemia, Dalmatia, Croatia, Slavonia, etc., archduke of Austria, duke of Burgundy, etc., count of Görz and of Tyrol, etc., and the Most Serene and Most Powerful prince and lord, lord Louis XIV., Most Christian king of France and Navarre, had assiduously pondered how much it would be for the good of Christianity, not only to settle quickly the present war in Flanders, which otherwise might easily inflame neighboring kingdoms, but also entirely to remove henceforth every occasion, root, and source of heat that might nourish future wars; and [had reflected] that none of the kings of Christendom could more fittingly than their Majesties apply themselves to this task with the greatest zeal, effort, and most intense concern, so that the utmost precaution might be taken to guard their posterity against the evils of war, since they are bound together by the closest ties of blood relationship and marriage alliance, and both are thus bound to the Most Serene and Most Potent lord, lord Charles the Second, Catholic king of Spain and of the Indies; —they therefore have determined to unite still more closely by a mutual league and for that purpose have given full powers to their ministers, to wit, his Sacred Imperial Majesty to Johann Weichard, duke of Münsterberg, prince of Auersperg of the Holy Roman Empire, of the secret council, etc., and his Most Christian Sacred Royal Majesty to Jacques Brethel de Gremonville, knight and commander of the Sacred Order of Jerusalem, councillor of state of his Most Christian Sacred Royal Majesty, and lieutenant-general in the army of France, to treat and conclude the present treaty, and these ministers, after having mutually viewed, examined, and exchanged their full powers, have sanctioned this present treaty, under obligation that it be ratified, which treaty is more clearly set forth in the following articles:

1. There shall be a firm and constant peace and friendship and an everlasting alliance between his Sacred Imperial Majesty and his children, heirs, and successors, kingdoms and provinces, on the one part, and his Sacred Royal Most Christian Majesty and his children, heirs, and successors, kingdoms and provinces, on the other part. Each shall promote the advantage of the other, avert what is disadvantageous, and if, hereafter (as is the way of human affairs) any dissensions, discords, and controversies shall arise, these shall not be terminated otherwise than by law and amicable measures, without any use of force or arms.

2. Whereas the States General of the United Provinces of the Netherlands have undertaken to propose as soon as possible to the Most Serene Catholic King of Spain as the means of restoring peace, that the following places be yielded and remain in the perpetual possession and dominion of the Most Serene, Most Christian King of France—namely, Cambrai, the Cambrésis, the duchy of Luxembourg, or, in its place, Burgundy, commonly called Franche Comté, Douai, Aire, Saint Omer, Bergues, and Furnes—and his aforesaid Most Christian Royal Majesty also consents to this for the benefit of peace, and

promises in that event to restore all the rest of the places occupied within the year last past, together with Charleroi (whose fortifications nevertheless are to be demolished), provided that before the end of the month of March next following, the Most Serene Catholic King of Spain shall agree in due form to this proposal, and at the same time shall negotiate a peace with Portugal, negotiating as king with king, it is agreed that his Sacred Imperial Majesty, from the day of the signing and of the mutual ratification of the present treaty, shall be bound by virtue thereof to labor with the greatest zeal and energy with the Most Serene Queen of Spain, his very beloved sister, as regent and guardian of her son Charles the Second, Catholic king of Spain, to bring about an early re-establishment of the former peace between the related kings, on the basis of the cession and restitution of the aforesaid places. But if the said proposal, and the Portuguese peace thus made, as king with king, on the conditions agreed upon between the parties, should be rejected by Spain, and the present war should be further prolonged, and by that means places should come to be occupied which in the future division of the inheritance should pertain to the portion of his Sacred Imperial Majesty, and of his children, heirs, and successors, his Most Christian Sacred Royal Majesty and his children, heirs, and successors, promise religiously and in good faith to restore, in case of the eventuality, the said places to his Sacred Imperial Majesty and his children, heirs, and successors, without demanding anything at all for the expenses of the war. It is further agreed, on both sides, that if the government of Spain should reject the aforesaid or other such conditions offered and proposed to them by the States General of the United Provinces of the Netherlands, his Sacred Imperial Majesty and his children, heirs, and successors, will not send any aid or assistance directly or indirectly into Flanders during this war. But if the Most Christian King or his children, heirs, and successors, or any other person, for any cause whatever, shall carry the war beyond Flanders into any other kingdoms and provinces whatever, that are under the jurisdiction of the Catholic King of Spain, his Sacred Imperial Majesty and his children, heirs, and successors shall be permitted to give aid there, that is, in the provinces and kingdoms situated outside Flanders, and this present treaty of partition of inheritance shall not be broken or weakened in any way on this account, but shall always be understood as being and remaining in full force and vigor. Moreover if, through rendering such aid outside Flanders, war should arise between his Sacred Imperial Majesty and his Sacred Royal Most Christian Majesty, or their children, heirs, or successors, his Sacred Imperial Majesty shall not on that account be permitted, or allowed in any manner to carry the war, either by himself or by others, into France, or the provinces incorporated therein, nor shall his Sacred Royal Most Christian Majesty be permitted to carry the war, whether for himself or for others, into the kingdoms and hereditary provinces of his Sacred Imperial Majesty.

3. Although no thought, and still more, no event could ever in the world be more painful and grievous to their Majesties than that the Most Serene Catholic King of Spain, their well-beloved relative, allied by marriage to them both, should die prematurely without children of a lawful marriage, and although they will earnestly beseech the Divine Goodness in their prayers that this may not happen; nevertheless, since all human affairs are changing and transitory, and since it is especially incumbent upon their Majesties to provide betimes, so far as possible, against the evils that might arise from this death, and effectively to prevent the fires of a new war, which might easily be kindled by controversy over so great an inheritance, from consuming too fiercely a

posterity very dear to each; for these reasons, after long and frequent deliberations upon the matter, and deep reflection upon the state of Europe and the good of Christianity, some remedy was found necessary, but none [seemed] more fitting, and, from its most excellent purpose more excusable, than that a partition should be made just now of the eventual inheritance in case of the death aforesaid, never to be sufficiently lamented. And so (Divine aid having been first implored), it has been agreed that if it should happen that his Sacred Imperial Majesty, or his children, heirs, or successors, and also his Royal Most Christian Majesty, or his children, heirs, or successors, should survive the Most Serene Charles the Second, Catholic king of Spain, deceased without children born of lawful marriage, a partition of the whole inheritance of the Spanish monarchy shall then, in case of that eventuality, be made, and be effective in the following manner—To his Sacred Imperial Majesty and his children, heirs, and successors, there shall go as their portion of the inheritance, the kingdom of Spain (except those to be excepted, respecting which explanation will be made below), the West Indies, the Duchy of Milan, with the right which pertains to it of giving the investiture of the duchy of Sienna, Finale, the ports called Longone, Ercole, Orbetello, and the other ports which are subject to the law of Spain, on the shore of the Ligurian sea, commonly called the sea of Tuscany, along to the borders or territory of the kingdom of Naples, the island of Sardinia, the Canaries, the Balearic Islands, commonly called Majorca, Minorca, and Iviza; and to his Sacred Royal Most Christian Majesty, and to his children, heirs, and successors there shall fall and accrue as the portion of their inheritance, all of Flanders which Spain possesses (under which is also comprehended Burgundy, called Franche Comté), the Philippine Islands, in the East, the kingdom of Navarre with its dependencies, such as are so regarded to-day, Rosas, with its dependencies, the places situated on the coasts of Africa, the kingdom of Naples and Sicily with its dependencies and adjacent islands, which pertain to it to-day, but without including thereunder the ports called Longone, Ercole, Orbetello, and the places and ports under Spanish sovereignty which lie between Finale and the territory and frontier of the kingdom of Naples, but these remain, as aforesaid, to the portion of the Emperor, and because also investiture by the Supreme Pontiffs is necessary for obtaining possession of the said kingdom of Naples and Sicily, both parties shall, at the proper time, fittingly and persistently solicit His Holiness who shall occupy the Holy See at the time when the eventuality occurs, that he may bestow it wherever necessary, according to custom.

4. But if it should happen that either party should meet with any difficulty in entering into its share of the inheritance, and should need aid from the other, it is agreed that the one party shall aid and assist the other party, that asks for reciprocal aid, where and whenever necessary, by land and sea, to obtain possession of its inheritance, [aiding] with counsel, action, forces, arms, ships, and finally with a sufficient army; so nevertheless that the costs of the war shall not for any reason or pretext be charged to the party requiring aid, but the party bringing aid shall bear them; and at the desire of the one requiring aid, the other shall speedily retire again into his own dominions, with the same soldiery, fleet, or army, no pretext whatsoever for delay being considered.

5. Moreover it is determined that neither party shall be permitted to bring forward against this treaty, nor shall they be valid, any exceptions, either of law or of fact, which exist at present, or can ever exist or be devised, but that it shall be and remain firm, constant, and inviolable, in all its clauses and articles, until the Most Serene Catholic King of Spain, in accordance with the especial desire of their Majesties, shall be increased with a first child, and until the end

of a period of six years, reckoned from the birthday of the child, so that these six years being completed, this treaty expires, *ipso facto,* and the parties shall be obliged to take back all their instruments of treaty, ratification, and full powers, as if nothing had ever been done. Nevertheless during these six years the parties may negotiate and agree respecting extension of the treaty.

6. The parties shall be held (within a month from the day of the signing of this instrument) to present, on behalf of themselves, their wives, children, heirs, and successors, their ratifications drawn up in the best possible form, and that of his Most Christian Sacred Royal Majesty, sealed with the petty seal, but signed with his own hand, and supplying all deficiencies in the usual formalities resulting from the circumstances; but in case the aforesaid death should occur and it should therefore be necessary to exchange reciprocally the original instruments, then, indeed, besides the aforesaid ratifications, both his Sacred Imperial Majesty, and his children, heirs, and successors, and in like manner his Most Christian Sacred Royal Majesty, and his children, heirs, and successors, shall be held reciprocally to deliver in behalf of themselves, their wives, children, heirs, and successors, a most solemn ratification and renunciation of everything respecting the portion mutually ceded and attributed to each of them, using such form and clauses as are judged to be most valid in the court and kingdom of each.

7. Moreover, for the greater secrecy of so important a matter, it is decreed that the original instruments and ratifications of either party, together with the full powers, shall be rolled into a bundle, fastened with the seals of the lord Prince of Auersperg and of the lord Chevalier de Gremonville, and this bundle shall be carefully deposited with the lord Grand Duke of Tuscany; so, nevertheless, that his Serenity shall previously deliver to both his Imperial Majesty and his Sacred Royal Most Christian Majesty, two revocatory letters of the same purport, upon the requisition of either of their Majesties through their ministers instructed with full powers sufficient for that purpose, by which letters his Serenity shall promise religiously and on the word of a prince, in behalf of himself, his children, heirs, and successors, the security, safe-keeping, and secrecy of the deposit, and that he will not return the said deposited bundle to either of the parties separately, but will deliver it faithfully and without fraud to both of them at the same time and place where and whenever it shall be required by both parties together. But the parties themselves shall be bound within six weeks from the day of the aforesaid death to seek the restitution of the said bundle and to exchange the instruments contained in it and mutually to procure their execution as shall be necessary, and in the manner more fully set forth above in the fourth article.

8. It is also established that neither of the parties shall be permitted meanwhile, for any cause or pretext whatsoever, to make any treaty or covenant with any king, prince, or republic, which is directly or indirectly repugnant to this treaty in any of its articles or clauses, and if any such shall be entered into by chance or for any other reason, it shall be considered as void and of no effect, as regards that party to which it is adverse. Nevertheless the parties, when making war outside Flanders, shall be permitted by means of treaties to acquire allies for themselves at will for such a war, the treaty of peace of Münster in Westphalia and the other treaty made and sworn to at the Pyrenees by the two related kings remaining nevertheless in force.

9. For the rest since it is of interest to the whole Christian world, and especially to his Sacred Imperial Majesty and his Sacred Royal Most Christian Majesty, and to their children, heirs, and successors, kingdoms, and provinces, that this treaty should be perpetual and inviolable, and, in case of the

eventuality be put into execution and effect, their Majesties consider nothing more conducive to the public tranquillity than that the treaty should be most religiously observed in all its clauses, nor will they permit that they, or their sons, heirs, and successors, should ever be guilty of failure to carry it out. Nevertheless for the greater security and very abundant surety of this treaty, it is established that immediately after the original instruments have been opened and exchanged, first the Supreme Pontiff, and afterwards the Most Serene and Most Potent Kings of England, Sweden, Denmark, the electors and princes of the Empire, the Republic of Venice, the Duke of Savoy, the Grand Duke of Florence, the Republic of Switzerland, and Genoa and the States General of the United Provinces of the Netherlands, and any others who shall at that time seem to the parties suitable, shall be in proper terms invited by his Sacred Imperial Majesty and his Most Christian Sacred Royal Majesty and their children, heirs, and successors to act with the sureties or guarantors.

In faith of these things, all and singular, and for their greater force, we two by virtue of our full powers, have signed this instrument with our own hands, and sealed it with our seals. Given at Vienna on the nineteenth of January, 1668.

We have accepted, approved, and ratified, and by these presents, strengthened by our hand and seal, we approve, confirm, and ratify the said treaty and all its above-written articles, in our name, as well as that of our wife the Empress, and of all our heirs and successors, promising by our faith and imperial word to hold, keep, and inviolably observe the said treaty, point for point, and head for head, according to its form and tenor, without any contravention, nor will we permit it to be contravened directly or indirectly, in any way or under any pretext that may be.

In faith whereof we have caused these presents to be strengthened by our seal. Given in our residence and in the city of Vienna, on the twenty-eighth of February, 1668, the tenth year of our Roman, the thirteenth of our Hungarian, and the twelfth of our Bohemian reign.

Leopold.
Johann Gars Hocher.

60.

Treaty of peace between Portugal and Spain, concluded at Lisbon, February 13, 1668, N. S., by the mediation of Great Britain. Ratification by King Alfonso VI. of Portugal, March 3, 1668, and by the Prince Regent Dom Pedro of Portugal, May 15, 1668. [*Ratification by Spain, February 23, 1668.*]

Introduction.

In the latter part of 1667, after Great Britain had made peace with the United Netherlands and France at Breda,[1] and while France and Spain were still at war,[2] each of the belligerents tried to win the support of England. The terms offered by Louis XIV., unacceptable as a whole, provided that if Charles II. would attack Spain in the West Indies, Louis would help him to take possession of the islands; and that if the Dutch violated the treaty which they had concluded with France in 1662, France and England would divide the world commerce of the Dutch between themselves.[3] In the negotiations conducted at Madrid, the English ambassador, the Earl of Sandwich, demanded large concessions in respect to colonial trade as the price of an offensive and defensive alliance. He proposed, "an *assiento*; he suggested that Spain should give [the English] liberty to send one ship yearly to the Philippines, three vessels to Buenos Ayres, two with the galleons, and two to New Spain, there to enjoy freedom of commerce. He also asked security for any conquests made in America or Africa, and the acknowledgment of lawful right and possession, if made from the enemies of Spain. And if Spain made new conquests, the English there were to have a grant of equal privileges." But Spain was not yet ready to depart so far from her policy of exclusion.[4]

While these negotiations with the belligerents were in progress, the English were also treating with the Dutch government, which, alarmed by the successes

[1] Docs. **57** and **58**.

[2] See above, pp. 143-144.

[3] Mignet, *Négociations relatives à la Succession d'Espagne*, II. 519; the *projet* of a proposed league sent by Louis XIV. to Charles II. on January 4, 1668, contained the following article:

"Si le roi de la Grande-Bretagne veut songer à la conquête des Indes occidentales des Espagnols, où ceux-ci lui ont refusé tout commerce dans les ports qui leur appartiennent, S. M. très-chrétienne l'assistera d'une escadre de ses vaisseaux de tel nombre dont on conviendra pour lui donner plus de moyens de faire cette conquête-là, qui lui sera même très-aisée, les Espagnols ayant autant d'occupation qu'ils en ont en Europe; ou bien, au lieu de ladite escadre, le roi fournira au roi de la Grande-Bretagne, à son option, une somme de 200,000 écus par an pour l'aider à armer un plus grand nombre de vaisseaux, afin de faire ladite conquête." Mignet, *op. cit.*, II. 545.

[4] F. R. Harris, *Life of Edward Mountagu, First Earl of Sandwich*, II. 112, 113.

of Louis XIV. in the Spanish Netherlands, desired to form an alliance with Great Britain to preserve Flanders. In accordance with the demands of Parliament the anti-Dutch policy of Great Britain was suddenly reversed. On January 23, 1668, the English envoy extraordinary to the States General, Sir William Temple, concluded with De Witt and the other Dutch commissioners three treaties: a defensive alliance; a mutual agreement to oblige France and Spain to make peace on the basis of the "alternatives" already proposed by France or of an equivalent;[5] and secret articles which included provisions that the Franco-Spanish peace should contain nothing prejudicial to the rights of either signatory with respect to the Spanish succession, and that Great Britain and the States General should mediate a peace between Spain and Portugal.[6] A few months later Sweden joined this league, known as the Triple Alliance.

A political revolution in Portugal, in the latter part of 1667, facilitated the conclusion of peace between the Peninsular powers. King Alfonso VI. was deposed; the people demanded the assembling of the Cortes, which met in January, 1668; there was a strong popular reaction, expressed in part through the Cortes, against the French alliance and in favor of peace with Spain. This feeling was strengthened when the English envoy at Lisbon, Sir Robert Southwell, reported that the Queen Regent of Spain had empowered the Marquis of Carpio, Spanish prisoner in Lisbon, to treat for peace. Urged by the Earl of Sandwich, English ambassador at Madrid, the Spanish government, fearing that Louis XIV. would renew hostilities in the spring, was willing to make concessions. In January, 1668, Sandwich arrived in Lisbon, bringing full powers and a project of thirteen articles.[7] Despite the protests of the French ambassador at Lisbon, who threatened dire consequences if the peace were made, the commissioners of both sides signed the articles with a few changes, after conferring for only four days. The terms differed little from those which were signed by Fanshawe in 1666 but not then ratified.[8] They recognized the right of the sovereign ruler of Portugal to the title of king, and the fourth article provided that both parties should enjoy the privileges accorded to the English by the treaty of May 23, 1667.[9] This treaty had expressly extended to the English the benefits which Spain had conceded to the Dutch by the treaty of Münster.[10] Hence the treaty of peace between the Peninsular powers involved Spain's recognition of the right of Portugal to the territories and trade that the latter actually possessed in America, Asia, and Africa. It prohibited the Portuguese from frequenting the Philippines, and forbade Portuguese and Spaniards from sailing to and trafficking in each other's possessions in America.

[5] These "alternatives" are referred to in Doc. **59,** pp. 145, 148, 152-153.
[6] Texts of the treaties, with English translations, are in *The Works of Sir William Temple* (1814), I. 344-360.
[7] Harris, *op. cit.,* II. 126.
[8] *Ibid.,* p. 132.
[9] Doc. **55.**
[10] Davenport, *European Treaties to 1648,* Doc. **40.**

Bibliography.

Text: MSS. The original manuscripts of the ratifications by King Alfonso VI. and by Dom Pedro, the prince regent, are in the London Public Record Office, State Papers Foreign, Treaty Papers, Portugal, no. 387.

Text: Printed. J. F. Borges de Castro, *Collecção dos Tratados de Portugal* (1856-1858), I. 357-372; J. A. de Abreu y Bertodano, *Colección de los Tratados de España: Reynado de Carlos II.* (1751-1752), I. 292-316; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 70-74 (Spanish text from contemporary official print).

Translations: English. *Memoirs of the Sieur [Frémont] d'Ablancourt* (1703), pp. 247-253. **French.** *Mémoires de M. Frémont d'Ablancourt* (1701), pp. 361-370.

References: Contemporary and early writings. [T. Carte], *History of the Revolutions of Portugal, with Letters of Sir Robert Southwell during his Embassy there* (1740), pp. 207-374, *passim*; F. A. A. Mignet, *Négociations* (1835-1842), II. 571-577; Viscount de Santarem, *Quadro Elementar* (1842-1876), tom. IV., pt. II., pp. 603-608, XVIII., 96-109; *Mémoires de M. Frémont d'Ablancourt* (1701), pp. 346-352; *Memoirs of the Sieur [Frémont] d'Ablancourt* (1703), pp. 236-240.

References: Later writings. F. R. Harris, *Life of Edward Mountagu, K. G., First Earl of Sandwich* (1912), II. 114-139; H. Schaefer, *Geschichte von Portugal* (1838-1854), IV. 670-676; Viscount de Santarem, *op. cit.*, tom. IV., pt. II., pp. ccxxxv-ccxli.

Text.[11]

Dom Pedro [12] por graça de Deos principe de Portugal e dos Algarves d'aquem e d'allem mar em Africa, senhor de Guinè e da conquista, navegação, e commerçio da Etiopia, Arabia, Persia, e da India, etc., como successor, governador, e regente destes reynos e senhorios, Faço saber aos que esta minha carta patente de approvação, ratificação, e confirmação virem, que nesta cidade de Lisboa no convento de Sancto Eloy em os treze dias do mes de Fevereiro do anno de mil e seiscentos e sessenta e outo se ajustou, concluió, e assinou o tratado de paz perpetua entre estes ditos reynos e os de Castella, do qual o traslado he o seguinte.

Dom Afonso por graça de Deos rey de Portugal e dos Algarves d'aquem e d'allem mar em Africa, senhor de Guinè e da conquista, navegação, e commerçio de Etiopia, Arabia, Persia, e da India, etc. Faço saber à todos os que esta minha carta patente de approvação, ratificação, e confirmação virem, que nesta cidade de Lisboa no convento de Sancto Eloy em os treze diaz do mes de Fevereiro desto anno prezente de mil seiscentos sessenta e outo se ajustou, concluió, e assinou hum tratado de paz entre mim, meus successores, e meus reynos, e o Muito Alto e Serenissimo principe Dom Carlos Segundo, rey Catolico das Espanhas, seus successores, e seus reynos, com Dom Gaspar de Haro Guzman e Aragão, marquês del Carpio, commissario deputado para este efeito em virtude do poder e procuração da Muito Alta e Serenissima rainha Dona Mari' Anna de Austria, como tutora da real pessoa de el rey seu filho, e

[11] The text is taken from the original Portuguese ratifications in the P. R. O., St. Pap. For., Treaty Papers, Portugal, no. 387.

[12] Pedro, afterward Pedro II., had imprisoned his brother King Alfonso VI., and made himself regent of the kingdom.

governadora de todos seus reynos e senhorios, de hũa parte, e da outra os commissarios deputados por mim abaxo declarados, intervindo tambem como mediador e fiador do dito tratado em nome do Muito Alto e Serenissimo principe Carlos Segundo, rey de Grã Bretanha meu bom irmão o Conde de Sanduick seu embaxador extraordinario com poder, que para o dito efeito presentou, doqual dito tratado reduzido a treze artigos e poderes, o teor he o que se segue.

Artigos de paz entre o Muito Alto e Serenissimo principe Dom Carlos Segundo, rey Catholico, seus successores, e seus reynos, e o Muito Alto e Serenissimo principe Dom Afonso Sexto, rey de Portugal, seus successores, e seus reynos, a mediação do Muito Alto e Serenissimo principe Carlos Segundo, rey de Grã Bretanha, irmão de hũ, e aliado muito antiguo de ambos, ajustados por Dom Gaspar de Haro Gusman e Aragão, marquès del Carpio, como plenipotençiario de sua Majestade Catholica, e Dom Nuno Alvrez Pereira, duque do Cadaval, Dom Vasco Luiz da Gama, marques de Nisa, Dom João da Silva, marquês de Gouvea, Dom Antonio Luiz de Meneses, marquês de Marialva, Enrique de Sousa Tavares de Silva, conde de Miranda, e Pedro Vieira da Silva, como plenipotençiarios de sua Magestade de Portugal, e Duarte, conde de Sanduick, plenipotençiario de sua Majestade da Grã Bretanba, mediador e fiador da dita paz em virtude dos poderes seguintes.

[Here follow the powers given by the kings of Spain, Portugal, and Great Britain to their above-mentioned plenipotentiaries.]

Em nome da Sanctissima Trindade, Padre, Filho, e Spirito Santo, tres Pessoas e hũ Só Deos Verdadeiro.

1. Primeiramente declarão os senhores Reis Catholico e de Portugal, que pello presente tratado fazem e estabelecem em seus nomes, de suas coroas, e de seus vassallos hũa paz perpetua, boa, firme, e inviolavel, que começarâ do dia da publicação deste tratado, que se fará em termo de quinze dias, cessando desde logo todos os actos de hostilidade de qualquer maneira que seião entre suas coroas, por terra e por mar, em todos seus reynos, senhorios, e vassallos de qualquer qualidade e condição, que seião sem exceição de lugares nem de pessoas; e se declara que hão de ser quinze dias para ratificar o tratado, e quinze para se publicar.

. . . . . .

4. Os ditos vassallos e moradores de hũa e de outra parte, terão reciprocamente a mesma seguranza, liberdades, e privilegios, que estão acordados com os subditos do Serenissimo Rey da Grã Bretanha pelo tratado de 23 de Mayo de 1667, e do outro do anno de 1630, no em que este tratado está ainda empé, assim e da maneira como se todos aquelles artigos, em razão do comerçio e immunidades tocantes a elle, forão aqui expressamente declarados, sem exceição de artigo algũ, mudando somente o nome em favor de Portugal; e destes mesmos privilegios uszara a nação Portuguesa nos reynos de S. Majestade Catholica assim e da maneira que o usavão em tempo do dito Rey Dom Sebastião.

5. E porque he necessario hũ largo tempo para se poder publicar este tratado nas partes mais distantes dos senhorios de hũ e outro rey, para cessarem entre elles todos os actos de hostilidade, se acordou que esta paz começará nas ditas partes, da publicação que della se fizer em Espanha a hũ anno seguinte; mas se o aviso de paz puder chegar antes a aquelles lugares, cessarão desde então todos os actos de hostilidade; e se, passado o dito anno, se cometer por qualquer das partes algũ acto de hostilidade, se satisfará todo a danno que delle nacer.

. . . . . .

10. A coroa de Portugal, pelos interesses que reciproca e inseparavelmente tem com a de Inglaterra, poderá entrar á parte de qualquer liga ou ligas offensiva e defensiva, que as ditas coroas de Inglaterra e Catolica fizerem entresi, juntamente com quaesquer confederados seus, e as condições e obrigações reciprocas que em tal caso se ajustarem ou se acrescentarem aodiante, se terão e guardarão inviolavelmente em virtude deste tratado, assim e da maneira como se estiverão particularmente expressadas nelle, e estiverão ja nomeados os colligados.

11. Prometem os sobreditos senhores Reys Catòlico e de Portugal de nã fazerem nada contra e em perjuizo desta paz, nem consentir se faça, directa ou indirectamente, e se acaso se fizer, de o reparar sem nenhũa dilação; e para observançia de tudo o assima conteudo se obrigão com o Serenissimo Rey da Grã Bretanha, como mediador e fiador desta paz; e para firmeza de tudo renunçião todas as leys, costumes, ou cousa que faça em contrario.

12. Esta paz sera publicada por todas as partes donde convier, o mais brevemente que ser possa despois da ratificação destes artigos pelos senhores Reys Catolico e de Portugal, e entregues reciprocamente na forma costumada.

13. Finalmente serão os presentes artigos e paz nelles conteuda ratificados tambem e reconhecidos pelo Serenissimo Rey da Grã Bretanha, como mediador e fiador della por cada hũa das partes, dentro de quatro meses despois de sua ratificação.

Todas as quaes cousas nestes artigos referidas fôrão acordadas, estabalecidas, e concluidas por nos Dom Gaspar de Haro Gusman e Aragão, marques del Carpio, Duarte conde de Sanduich, Dom Nuno Alvrez Pereira, duque do Cadaval, Dom Vasco Luis da Gama, marquês de Nisa, Dom João da Silva, marquês de Gouvêa, Dom Antonio Luis de Meneses, marquês de Marialva, Enrique de Sousa Tavares de Silva, conde de Miranda, e Pedro Vieira da Silva, commissarios deputados para este efeito em virtude das plenipotençias que ficão declaradas em nome de suas Majestades Catolica, da Grã Bretanha, e de Portugal, em cuja fé, firmeza, e testimunho de verdade fizemos este presente tratado firmado de nossas mãos, e sellado com o sello de nossas armas. Em Lisboa no convento de Sancto Eloy a os 13 de Fevereiro de 1668. Don Gaspar de Haro Guzman e Aragão. Conde de Sanduich. O Duque Marquês de Perreira. Marques de Niza almirante da India. Marquês de Gouvêa mordomo mór. Marquês de Marialva. Conde de Miranda. Pedro Vieira da Silva.

E havendo eu visto o dito tratado de paz perpetua, despois de considerado e examinado com toda a attencão, hey por bem aceitallo, aprovallo, ratificallo, e confirmallo, como em efeito por esta minha carta patente o açeito, aprovo, ratifico, e confirmo, prometendo em meu nome, no de meus successores e meus reynos, de observar, guardar, e cumprir, e de fazer observar, guardar, e cumprir inviolavelmente todas as cousas nelle conteudas, sem admittir que por modo ou acontecimento algũ, que haja ou possa haver, directa ou indirectamente, se contradiga ou vá contra elle, e se se houver feito ou se fizer em algũa maneira cousa em contrario de o madar reparar, sem dificuldade ou dilação algũa, castigar e mandar castigar os que forem nisso complices, com todo o rigor; e tudo o referido prometo e me obrigo guardar debaxo de fé e palavra de rey, em meu nome, no de meus successores e reynos, e da hipoteca e obrigação de todos os bẽs e rendas geraes e especiaes, presentes e futuras delles. E em fé e firmeza de tudo mandey passar a presente carta por mim assinada e sellada com o

sello grande de minhas armas. Dada na cidade de Lisboa a os tres dias do mes de Março (Luiz Teixeira de Carvalho a fez) anno do Nacimento de Nosso Senhor Jesu Cristo de mil e seiscentos e sessenta e outo. Pedro Vieira da Silva o fiz escrever.

O Principe.

E porque o dito tratado de paz foy aprovado, ratificado, e confirmado pelos sobreditos reys de Portugal, Castella, e da Grã Bretanha como mediador e fiador delle, e solenemente publicado assim nesta cidado como na villa de Madrid, e o mesmo se fez em todo o reyno a suas conquistas, e eu deseio que da mesma maneira se continúe e perpetúe por mim e meus successores na coroa destes reynos, hey por bem açeitallo, aprovallo, ratificallo, e confirmallo, e por esta minha carta patente o açeito, aprovo, ratifico, e confirmo, e prometo em meu nome, no de meus successores e reynos, de observar, guardar, e fazer observar, guardar, e cumprir inviolavelmente todas as cousas nelle conteudas, sem admitir que por modo ou aconteçimento algũ que haja ou possa haver, directa ou indirectamente, se contradiga ou vâ contra elle; e se se houver feito ou se fizer em algũa maneira cousa em contrario, de o mandar reparar, sem dificuldade ou dilaçao algũa, castigar e mandar castigar os que forem nisso complices, com todo o rigor; e tudo o referido prometo e me obrigo guardar debaxo da fé e palavra real, em meu nome, no de meus successores e destes reynos, e da hipoteca e obrigação de todos os bẽs e rendas, geraes e especiaes, presentes e futuras delles; e em fé e firmeza de tudo mandey passar a presente carta por mim assinada e sellada com o sello grande de minhas armas. Dada na cidade de Lisboa a os quinze dias do mês de Mayo do anno do Nacimento de Nosso Senhor Jesu Cristo de mil e seiscentos e sessenta e outo. P. Janches Farinha o fes escrever.

O Princepe.

Translation.

Dom Pedro, by the grace of God prince of Portugal and of the Algarves on this side and beyond the sea in Africa, of Guinea and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, and India, etc., as successor, governor, and regent of these kingdoms and lordships—I make known to all who shall see this my letter patent of approval, ratification, and confirmation, that in the city of Lisbon, in the convent of St. Eloi, on the thirteenth day of the month of February of this present year, 1668, there was adjusted, concluded, and signed the treaty of perpetual peace between these said kingdoms and those of Castile, a copy of which is as follows:

Dom Alfonso, by the grace of God king of Portugal and of the Algarves on this side and beyond the sea in Africa, lord of Guinea and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, and India, etc.—I make known to all who shall see this my letter patent of approval, ratification, and confirmation, that in this city of Lisbon, in the convent of St. Eloi, on the thirteenth day of the month of February of this present year, 1668, there was adjusted, concluded, and signed a treaty of peace between me, my successors, and my kingdoms, and the Very High and Most Serene prince Don Carlos II., Catholic king of Spain, his successors and his kingdoms, by Don Gaspar de Haro Guzman y Aragon, marquis of Carpio, commissioner deputed for this purpose by virtue of the power and procuration of the Very High and Most Serene queen, Doña Maria Anna of Austria, as guardian of the royal person of the Catholic king, her son, and governor of all his kingdoms and dominions,

on the one part, and on the other part by the commissioners deputed by me, mentioned below, and likewise in the name of the Very High and Most Serene prince Charles the Second, king of Great Britain, my good brother, the Earl of Sandwich, his ambassador extraordinary, intervening as mediator and guarantor of the said treaty, with power which he has exhibited for this purpose. The tenor of this treaty, reduced to thirteen articles, and the tenor of the powers, is as follows:

Articles of peace between the Very High and Most Serene Prince Don Carlos the Second, Catholic king, his successors and his kingdoms, and the Very High and Most Serene prince Dom Alfonso Sixth, king of Portugal, his successors and his kingdoms, through the mediation of the Very High and Most Serene prince Charles the Second, king of Great Britain, brother of one, and very ancient ally of both, adjusted by Don Gaspar de Haro Guzman y Aragon, marquis of El Carpio, as plenipotentiary of his Catholic Majesty, and Dom Nuño Alvrez Pereira, duke of Cadaval, Dom Vasco Luiz da Gama, marquis of Niza, Dom João da Silva, marquis of Gouvea, Dom Antonio Luiz de Menezez, marquis of Marialva, Henrique de Souza Tavarez da Silva, count of Miranda, and Pedro Vieira da Silva, as plenipotentiaries of his Majesty of Portugal, and Edward, earl of Sandwich, plenipotentiary of his Majesty of Great Britain, mediator and guarantor of the said peace, by virtue of the following powers.

[Here follow the powers given by the Kings of Spain, of Portugal, and of Great Britain to their abovementioned plenipotentiaries.]

In the name of the Most Holy Trinity, Father, Son, and Holy Ghost, three distinct persons, and only One True God.

1. First, the lords the Catholic King and the King of Portugal declare that by the present treaty they make and confirm in their own names, and in those of their crowns and subjects, a perpetual, sincere, firm, and inviolable peace, which shall begin from the day of the publication of this treaty (which shall be within the period of fifteen days), immediately after which there shall be a cessation of all acts of hostility of every kind, on land and on sea, in all their kingdoms and dominions, between their crowns and their subjects, of whatsoever quality and condition they may be, without exception of places or persons. And it is declared that this treaty shall be ratified in fifteen days and published in fifteen days thereafter.

. . . . . .

4. The said subjects and inhabitants, of either side, shall reciprocally enjoy the same privileges in the kingdoms of his Catholic Majesty in the manner the Most Serene King of Great Britain by the treaty of May 23, 1667, and by that of the year 1630, in so far as that treaty is still in force, in the form and manner, as if all these articles regarding commerce and immunities relating thereto, were here expressly declared, without exception of any article, only changing the name in favor of Portugal; and the Portuguese nation shall enjoy the same privileges in the kingdoms of his Catholic Majesty in the manner that, and as, they enjoyed them in the time of the said king Don Sebastian.

5. And since it will necessarily be a long time before this treaty can be published in the most remote parts of the dominions of either king, in order nevertheless that all acts of hostility shall cease between them, it is agreed that this peace shall begin in those parts within a year from the date of its publication in Spain; but if news of the peace can reach those places sooner,

all acts of hostility shall cease from that time, and if after the expiration of the said year, any act of hostility shall be committed by either party, all the damages resulting therefrom shall be satisfied.

. . . . . .

10. The crown of Portugal, because of the interests that it has reciprocally and inseparably with the crown of England, may enter into any league or leagues, offensive and defensive, that the said crowns of England and Spain shall make between themselves, together with any of their allies; and the conditions and reciprocal obligations which shall be agreed upon in that case, or which shall afterwards be added, shall be inviolably kept and observed by virtue of this treaty, as much as if they were expressly mentioned therein, and as if the allies were already named.

11. The aforesaid lords, the Catholic King and the King of Portugal, promise to do nothing against or to the prejudice of this peace, nor to allow anything to be done against it, directly or indirectly, and if anything should happen to be done against it, to repair it without any delay; and they bind themselves with the lord King of Great Britain, as mediator and guarantor of this peace, for the observance of all that is contained above; and for the security of the whole they renounce all laws, customs, or anything contrary to it.

12. This peace shall be published in all places agreed on, as soon as possible after the ratification of these articles by the lords the Catholic King and the King of Portugal, and after the ratifications are exchanged reciprocally in the customary manner.

13. Finally, the present articles and the peace contained in them shall likewise be ratified and acknowledged by the Most Serene King of Great Britain as mediator and guarantor thereof, on behalf of each of the parties, within four months after its ratification.

All which things contained in these articles were accorded, established, and concluded by us, Don Gaspar de Haro Guzman y Aragon, marquis of El Carpio, Edward, earl of Sandwich, Dom Nuño Alvrez Pereira, duke of Cadaval, Dom Vasco Luiz da Gama, marquis of Niza, Dom João da Silva, marquis of Gouvea, Dom Antonio Luiz de Menezez, marquis of Marialva, Henrique de Souza Tavarez da Silva, count of Miranda, and Pedro Vieira da Silva, commissioners deputed for this purpose by virtue of the full powers which are written in the name of their Majesties of Spain, of Great Britain, and of Portugal. In witness and confirmation whereof, and in testimony of its truth, we have made this present treaty, signed by our hands and sealed with the seal of our arms. In Lisbon in the convent of St. Eloi, February 13, 1668, Don Gaspar de Haro y Guzman. Earl of Sandwich. Duke Marquis of Perreira. Marquis of Niza, admiral of India. Marquis of Gouvea, chief steward. Marquis of Marialva. Count of Miranda. Pedro Vieira da Silva.

And I, having seen the said treaty of perpetual peace, and after having considered and examined it with all attention, have accepted, approved, ratified, and confirmed it as good, as in effect, by this my letter patent, I accept, approve, ratify, and confirm it, promising in my name and in that of my successors and my kingdoms, to observe, keep, and fulfill, and to cause to be inviolably observed, kept, and fulfilled, everything contained therein, without admitting that in any way or event which may or can be, it shall be contradicted or violated directly or indirectly; and if anything to the contrary shall have been done or shall be done, in any manner, orders shall be given to repair it, without any difficulty or delay; to punish and order to be punished rigorously

those who were accomplices in it; and I promise and bind myself to observe all the aforesaid, on the faith and word of a king, in my name, in that of my successors and kingdoms, and under the pledge and obligation of all goods and revenues, general and special, present and future. And in witness and security of all the above I have ordered the present letter to be issued, signed by me, and sealed with the great seal of my arms. Done in the city of Lisbon, March 3 (Luiz Teixeira de Carvalho made it) in the year of the nativity of Our Lord Jesus Christ 1668. Pedro Vieira da Silva caused it to be written.

The Prince.

And inasmuch as the said treaty of peace has been approved, ratified, and confirmed, by the aforesaid Kings of Portugal and Castile, and by the King of Great Britain as mediator and guarantor thereof, and solemnly published both in this city and in the town of Madrid, and the same has been done in all the kingdom and its conquests, and I desire that it shall be continued and perpetuated in the same manner by me and by my successors to the crown of these kingdoms, I have willingly accepted, approved, ratified, and confirmed it, and by this my letter patent I accept, approve, ratify, and confirm it, and I promise in my name and in that of my successors and kingdoms to observe, keep, and cause to be observed, kept, and inviolably fulfilled all the things contained therein, without admitting that in any way or event that may or can be, directly or indirectly, it shall be contradicted or violated, and if anything to the contrary shall have been done or shall be done in any manner, I will order it to be repaired without difficulty or delay, and punish and order to be punished rigorously those who were accomplices in it. And I promise and bind myself to keep all the above, on the royal faith and word, in my name and in that of my successors, and in that of these kingdoms, and under the pledge and obligation of all goods and revenues, general and special, present and future. And in faith and confirmation of all these things I have ordered the present letter to be issued, signed by me, and sealed with the great seal of my arms. Done in the city of Lisbon, May 15, in the year of the nativity of Our Lord Jesus Christ 1668. P. Janches Farinha has caused it to be written.

The Prince.

61.

Treaty of guaranty of all the states of the King of Spain, concluded between Great Britain, Sweden, and the United Netherlands, at the Hague, May 7, 1669, N. S. [*Ratification by England, May 17/27, 1669; ratification by Sweden, May 19, 1669.*]

INTRODUCTION.

The successes of Louis XIV. in the War of Devolution [1] having alarmed his neighbors, in January, 1668, the Dutch, English, and, conditionally, the Swedish governments united in a Triple Alliance [2] for the purpose of compelling France and Spain to make peace, and of guaranteeing that peace after it should have been concluded. The King of Sweden promised to engage in the League on an equal footing with the other two powers, whenever they should satisfy him with respect to the subsidies which he claimed as reimbursement for having maintained troops in the duchy of Bremen, to the advantage of Spain, during the war.[3] The conferences held by the Dutch, English, Swedish, and Spanish representatives concerning the subsidies were long-continued and tedious. The Dutch and English negotiators insisted that the subsidies, either wholly or in part, must be paid by Spain; and helpless, poverty-stricken Spain consented, on condition that the allies should guarantee her adequately against any violation of the prospective peace treaty between her and France.

A notable stage in the negotiations was reached on April 25/May 5, 1668, when England and the United Provinces pledged themselves to make every effort to induce Spain to pay Sweden the sum of 480,000 rixdollars,[4] and Sweden entered the Triple Alliance as a principal.[5] Three days earlier, the plenipotentiaries of France and Spain had signed a treaty of peace at Aix-la-Chapelle.[6]

Spain was eager to obtain a general guaranty of the treaty of Aix-la-Chapelle, which should protect her against attack by France, not only in the Spanish

[1] On the War of Devolution, see above, Doc. **59**, pp. 143-144, Doc. **60**, p. 157.
[2] On the Triple Alliance, see also p. 158.
[3] The Swedish act is printed in W. Temple, *Works* (1814), I. 360-363.
[4] The provisional agreement is printed in J. Dumont, *Corps Diplomatique*, tom. VII., pt. I., pp. 95, 96, and in Abreu y Bertodano, *Colección de los Tratados*, I. 347-351.
[5] Dumont, *op. cit.*, tom. VII., pt. I., pp. 91 ff.; Abreu y Bertodano, *op. cit.*, I. 352 ff.
[6] The first article of the treaty of Aix-la-Chapelle is as follows: "Il est convenu et accordé qu'à l'avenir, il y aura bonne, ferme et durable paix, confederation et perpetuelle alliance et amitié entre les Roys, Tres-Chretien et Catholique, leurs enfants nais et à naistre, leurs hoirs, successeurs et héritiers, leurs royaumes, estats, pays et sujets; qu'ils s'entre-aymeront comme bons freres, procurant de tout leur pouvoir le bien, l'honneur et reputation l'un de l'autre, et évitant de bonne foy tant qu'il leur sera possible le dommage l'un de l'autre." H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893-1899), II. 14-22.

Netherlands, but in all her possessions, in whatever part of the world. Some of her statesmen believed that the French would soon make an attempt against Milan or Catalonia, where the Dutch would have little interest in opposing them; others thought that, under the influence of Colbert, Louis XIV. would make himself master of commerce, and deprive Spain of her Indies. The Count of Molina, the Spanish ambassador at London, urged that the Spanish government must be prepared to forestall the French king's efforts to win over the King of England, by helping Charles II. to maintain his fleet independently of Parliament, paying him in Campeche wood and other merchandise. Molina argued that if Louis succeeded in attaching Charles, the loss of the Indies would be inevitable; but that a fleet supported at the common expense of England and Spain would make the King of Spain master of the sea and enable him to block the commercial designs of France.[7]

The Dutch at first opposed a general guaranty,[8] but the English approved it, and on October 5, or 15, 1668, articles were drafted at the Hague, stipulating that Great Britain, Sweden, and the United Netherlands guarantee the peace of Aix-la-Chapelle to the Spanish crown, in all its territories, without exception of any countries or places, whatever name they might bear, or wherever they might be situated.[9]

Thereafter negotiations dragged on for some months longer, while Spain failed to furnish the subsidies to Sweden. On May 7, 1669, the general guaranty of the treaty was at last concluded, and two days later the Spanish ambassador to the States General signed a promise to pay the subsidies.[10] This promise, however, Spain subsequently refused to perform, until the allies should enter into a Triple Concert, specifying the forces that each would contribute to Spain's aid in case France broke the peace of Aix-la-Chapelle.[11] The Concert was signed on January 31, 1670,[12] and a month later, on the first of March, the ratifications of the guaranty of May 7, 1669, as well as of the Triple Concert, were exchanged.[13]

Bibliography.

Text: MS. The Dutch ratification of the guaranty is in the London P. R. O., St. Pap. For., Treaty Papers, no. 74.

Text: Printed. J. A. de Abreu y Bertodano, *Colección de los Tratados de España* (1751-1752), I. 403-407; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 107, 108.

Translation: Spanish. Abreu y Bertodano, *loc. cit.*

[7] Despatch from the Count of Molina, May 24, 1668, in G. Maura Gamazo, *Carlos II. y su Corte*, I. (1911) 507-517.

[8] Van Dijk, *Bijdrage tot de Geschiedenis der Nederlandsche Diplomatie*, p. 306.

[9] The articles are in Dumont, *op. cit.*, tom. VII., pt. I., pp. 101-102, and in Abreu y Bertadano, *op. cit.*, I. 395-399. Both dates are given. *Cf.* Van Dijk, *op. cit.*, p. 306, note 2.

[10] This act, whereby Spain promised to pay the 480,000 rixdollars offered to Sweden by the convention of April 25/May 5, 1668, is printed in Abreu y Bertodano, *op. cit.*, p. 407.

[11] Van Dijk, *op. cit.*, pp. 312 ff; *The Works of Sir William Temple*, II. 54-97, *passim.*

[12] The text of the Concert is in Abreu y Bertodano, *op. cit.*, pp. 415-419.

[13] Van Dijk, *op. cit.*, p. 351.

References: Contemporary and early writings. "Despacho del Conde de Molina, embajador cerca de S. M. B., expedido en Londres el 24 de Mayo de 1668; recibido el 22 de Junio", in G. Maura Gamazo, *Carlos II. y su Corte* (1911-1915), I. 507-517; other material relating to the negotiations, but with few or no references to the Indies, is in T. Bebington, *The Earl of Arlington's Letters to Sir W. Temple* (1701), pp. 212-402, *passim*; *id., The Earl of Arlington's Letters* (1701), II. 273-295, *passim*; *The Works of Sir William Temple* (1814), I. 417-431, *passim*, II. 12-41, *passim;* J. de Witt, *Brieven* (1724-1725), II. 593-654, *passim*, IV. 605-880, *passim*; *id., Lettres* (1725), IV. 288-387, *passim*; A. van Wicquefort, *Histoire des Provinces-Unies* (1861-1874), III. 445-447, IV. 4-20; L. van Aitzema, *Saken van Staet* (1669-1672), VI. 402 ff., 941 ff.

References: Later writings. H. A. van Dijk, *Bijdrage tot de Geschiedenis der Nederlandsche Diplomatie: Handelingen met Frankrijk en Spanje, 1668-1672* (1851), pp. 281 ff.; T. P. Courtenay, *Memoirs of the Life, Works, and Correspondence of Sir William Temple* (1836), I. 301-315; G. A. Lefèvre-Pontalis, *John de Witt* (1885), II. 12-19. F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne* (1835-1842), III. 281-284.

TEXT.[14]

Les Rois de la Grande Bretagne et de Suede, comme aussi les Etats Generaux des Provinces-Unies des Pays-Bas, estans dez le 23. Janvier, stile nouveau, et le 25. Avril, stile vieil, l'un et l'autre de l'année passée, entrez ensemble dans un concert et une liaison estroite, tant pour aider à faire finir par leur intervention la guerre qui s'estoit alors allumée entre les deux couronnes voisines, et particulierement dans les Provinces des Pays-Bas de l'obeïssance du Roy d'Espagne, que pour guarantir aussi le plus fortement et efficacement que faire se pourroit la paix, qui par la benediction de Dieu s'en pourroit en suivre, afin de prevenir par là de semblables inconveniens à l'advenir et les suites qui en pourroient naistre tant funestes à toute la Chrestienté, et leurs salutaires intentions et bons offices, qui ont esté emploiez auprés de l'une et de l'autre desdites couronnes, ayant esté tellement benis par sa Divine Majesté que le 2. May de la même année ladite paix tant desirée s'en est effectivement ensuivie, par l'instrument de laquelle conclu le même jour en la ville d'Aix la Chapelle lesdites couronnes ont expressement consenty au 7. Article, que tous les rois, potentats, et princes qui voudront bien entrer dans un pareil engagement, puissent donner à leurs Majestez leurs promesses et obligations de guarantie de l'execution de tout le contenu dudit traité,

Lesdits Rois de la Grande Bretagne et de Suede, comme aussi lesdits Seigneurs Estats Generaux des Provinces-Unies des Pays-Pas, perseverans en leurs bon et pacifiques desseins, et aussi voulant appuyer efficacement l'intention louable et Chrestienne desdits deux rois exprimée audit septième article, ont accordé et consenti à la requisition du Roi Catholique et promis irrevocablement en la maniere la plus forte et plus solemnele qu'il se peut, ainsi que lesdits Rois de la Grande Bretagne et de Suede, comme aussi lesdits Seigneurs Etats Generaux des Provinces-Unies des Pays-Bas tous ensemble, et chacun d'eux en particulier, accordent et promettent irrevocablement par ces presentes, de garantir ledit traité de toute leur force et pouvoir, selon le vray sens et estendue du mesme traité; et par consequent, en cas qu'il arrive (ce qu'à Dieu ne plaise) que le Roy Tres-Chrestien vienne un jour à manquer à l'execution

[14] Text from P. R. O., St. Pap. For., Treaty Papers, no. 74.

ou observation ponctuelle de ce que par luy ou de sa part a esté promis audit traité, et principalement, si au prejudice et par infraction du premier article de la dite paix, il vienne à attaquer ou incommoder à force d'armes, ou par voye de fait, sous quelque pretexte que ce soit, aucun des royaumes, estats, pays, on sujets du Roy Catholique en quelque lieu, ou en quelque partie du monde, que cette attaque ou trouble de fait puisse estre faite ou arriver par mer, ou par terre, sans aucune exception de pais ou personnes, quelque nom qu'ils puissent avoir, ou en quelque bien qu'ils puissent estre situés, qu'en tel cas inesperé et imprevu, ils employeront toutes leurs forces, ou telle partie qu'il sera necessaire, par mer et par terre, et les feront agir avec la derniere vigueur, non seulement pour ayder à s'opposer à ladite attaque ou trouble et pour la detourner, mais aussi pour faire deuëment reparer la contravention qui aura esté faite. Et en cas que ladite attaque se fit en des quartiers éloignez, en sorte que la distance ou autre inconveniens les puissent empêcher d'aider à faire sur le lieu la deffence necessaire, qu'alors ils tascheront de tout leur pouvoir par le moien de leurs armes qu'ils emploieront ailleurs, tant par mer que par terre, là ou ils pourront le plus sensiblement incommoder l'attaquant ou aggresseur, de l'obliger à desister de son aggression et insulte, ainsi qu'a reparer deuëment la contravention qu'il aura faite: et lesdits roys confederez entreront aussitost après telle agression ou insulte dans un concert particulier avec l'attaqué sur les moyens et les forces qu'ils employeront actuellement et en effet, tant pour detourner que pour faire reparer pareille infraction selon les proportions et les especes, qui par un commun accord seront trouvez les plus necessaires à la deffence de l'attaqué et le plus utiles au bon succez de la cause, qui en tel cas deviendra commune; et de ce que dessus seront fait trois originaux, dont l'un sera signé par le Roy de la Grande Bretagne, ou de sa part, l'autre par le Roy de Suede, ou de sa part, et le troisième par les Seigneurs Etats Generaux des Provinces-Unies des Pays Bas, ou de leur part, ce que nous soubsignez leurs plenipotentiaires nous sommes chargez et avons promis de procurer et de faire effectuer en bonne et deuë forme dans l'espace de deux mois ou plustost si faire se pourra. Fait à la Haye le septiesme de May mille six cent soixante neuf.

G. Hoolk v[idi]t.

Par ordre des dits Estats Generaux des Provinces Unies des Pais Bas.

N. Ruysch.

62.

Treaty of commerce between Great Britain and Savoy, concluded at Florence, August 30/September 9, 1669. Ratification by Savoy, December 31, 1669/January 10, 1670.

Introduction.

The Duke of Savoy, Carlo Emanuele II., desiring to advance in every way the economic prosperity of his state, was actively interested in promoting its maritime commerce. Urged by the president of the newly created Savoyard Chamber of Commerce to develop his Mediterranean ports of Nice and Villafranca,[1] and probably influenced also by the example of the Grand Duke of Tuscany, whose efforts had recently increased the commercial importance of Leghorn,[2] Carlo Emanuele adopted various measures to attract foreign traders. Being especially eager to draw English merchants to his ports, he authorized his agent Alberio, in the early summer of 1668, to confer with the British resident at Florence, Sir John Finch, respecting a commercial treaty with Great Britain.[3]

Political as well as commercial reasons led the Duke of Savoy to desire an alliance with his cousin, Charles II.[4] Since the occupation of Pignerol by Richelieu, the rulers of Savoy had feared the encroachments of Louis XIV., who claimed that Nice and Villafranca rightfully belonged to France.[5] Against an attack from France or any other power, England would be an effective protector.

The negotiations between Alberio and Finch were delayed by two difficulties: first, Great Britain's demand that her subjects might enjoy the ministrations of a Protestant clergyman in the ports of Savoy;[6] second, the duke's insistence that he be conceded the title of *Altesse Royale*.[7] While these difficulties were being adjusted, towards the end of 1668, the British Council of Trade considered Finch's draft of a treaty.[8] In January, 1669, the Council reported on the treaty, but without enthusiasm, preferring to dwell upon the strategical advantages of Leghorn.[9] On January 27, 1669, Finch was commissioned to ne-

[1] Claretta, *Storia di Carlo Emanuele II.*, II. 346, and n. 1. For an account of the Chamber of Commerce, see Ricotti, *Storia della Monarchia Piemontese*, VI. 344.
[2] R. Galluzzi, *Storia del Granducato di Toscana* (1822), VII. 93 ff.
[3] Claretta, *op. cit.*, II. 354.
[4] *Ibid.*, III. 28, 33; letter from John Dodington at Turin, Apr. 26, 1670, in P. R. O., St. Pap. For., Savoy, no. 24.
[5] *Oeuvres de Louis XIV., Mémoires* (1806), II. 381.
[6] Claretta, *op. cit.*, III. 31, 33, 36, 43.
[7] *Ibid.*, III. 47, 50, 57. *Cf.* also D. Carutti, *Storia della Diplomazia della Corte di Savoia* (1875-1880), III. 39-41.
[8] Hist. MSS. Comm., *Report on the Manuscripts of Allan George Finch*, I. (1913) 517.
[9] F. R. Harris, *Life of Edward Mountagu, First Earl of Sandwich* (1912), II. 209.

gotiate the treaty;[10] and on the following August 5, Signor Giuseppe Maurizio Filippone, councillor, auditor, and procurator general of the Duke of Savoy's revenues, was empowered for this purpose by the ruler of Savoy.[11]

The instrument was signed at Florence on September 9, 1669.[12] Among the privileges conceded to the English therein, were permission to land and store any products from any part of the world at the ports of Villafranca, Nice, and Saint Hospice, without payment of customs duties; and to sell freely to the Savoyards all products of the British dominions (expressly including the West Indies) except tobacco and other goods of which a monopoly had been granted to certain persons. These prohibited goods might, however, be sold by the English to the monopolists themselves.

The results of this treaty were disappointingly small.[13]

Bibliography.

Text: MS. The original manuscript of the ratification by the Duke of Savoy is in the P. R. O., St. Pap. For., Treaties, no. 441. (The treaty was also in the archives of Piedmont at Turin, in 1876, according to N. Bianchi, *Le Materie Politiche relative all'Estero degli Archivi di Stato Piemontesi,* 1876, p. 332.)

Text: Printed. Solaró della Margarita, *Traités Publics de la Royale Maison de Savoie depuis la Paix de Chateau-Cambresis jusqu'à nos Jours* (1836-1861), II. 91-103.

Translations: English. G. Chalmers, *A Collection of Treaties* (1790), II. 309-321. **French.** J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 119-122.

References: Contemporary and early writings. G. Claretta, *Storia del Regno e dei Tempi de Carlo Emanuele II.* (1877-1878), vol. II., "Documenti", pp. 669, vol. III., "Il Memoriale Autografo di Carlo Emanuele II.", pp. 28, 31, 33, 36, 43, 46, 47, 50, 57, 60, 62, 65, 76, 78, 103, 104.

References: Later writings. G. Claretta, *op. cit.,* II. 343-358; F. Sclopis, *Delle Relazioni Politiche tra la Dinastia di Savoia e il Governo Britannico, 1240-1815* (1853), pp. 12-16, also in *Memorie della Reale Accademia delle Scienze di Torino,* second ser., tom. XIV. (1854), pp. 260-263; E. Ricotti, *Storia della Monarchia Piemontese* (1861-1869), VI. 341-345; F. de Filippi, "The Relations of the House of Savoy with the Court of England", in *Proceedings* of the British Academy, 1918.

[10] P. R. O., Treaty Papers, no. 54.

[11] *Ibid.*

[12] The treaty signed by the two commissioners did not reach England promptly, if at all. On Apr. 26, 1670, the English ambassador, Thomas Belasyse (Viscount Fauconberg), arriving in Turin on his way to Venice, notified the duke that the treaty had not arrived at the time of his departure, or he would have brought the king's ratification with him. About the same time Fauconberg wrote Arlington that he was sending him the duke's ratification, "upon delivery whereof they require here a noate of receipt with a promise annexed for procuring the delivery of that part which His Majesty is to ratify". P. R. O., St. Pap. For., Savoy, no. 24. *Cf.* Claretta, *op. cit.,* III. 103.

[13] Sclopis, *Delle Relazioni Politiche tra la Dinastia di Savoia ed il Governo Britannico,* p. 15; Claretta, *op. cit.,* II. 358; Ricotti, *op. cit.,* VI. 345.

TEXT.[14]

Carolus Emanuel Dei gratia Sabaudiae, Chablasii, Augustae, Gebennensis, et Montisferrati dux, Pedemontium princeps, Salutiarum marchio, necnon Genevae, Niciae, Astae, Rotundimontis, et Tendarum comes, Vercellarum, marchionatus Cenae, Oneliae, et Macri dominus, marchio in Italia, Sacri Romani Imperii princeps et vicarius perpetuus, rex Cipri, etc.

Universis et singulis notum sit, quod postquam edicto nostro sub 22 Januarii, 1667, promulgato Portum Villaefrancae, pluribus fulcitum immunitatibus ac praerogativis, ad publicam commercii utilitatem toti Europae liberum offerre duximus, nonnulli exinde peculiares ea de re tractatus emerserint cum Serenissimo ac Potentissimo Magnae Britanniae Rege, eoque perducti fuerint, ut inter Majestatis suae oratorem et commissarium nostrum, utrumque legitimo instructum mandato, post plures congressus Florentiae habitos, in certa pacta conventum sit quorum tenor hic sequitur.[15]

1. Primum. Cum commercium semper extiterit pacis socius, paxque licet bello a multis annis nunquam interrupta fuerit, rata iam, confirmata, et stabilita habeatur inter Potentissimum Monarcham Carolum Secundum, Magnae Britanniae etc. regem, et Celsitudinem Regalem Caroli Emanuelis Secundi hujus nominis, ducis Sabaudiae etc. Quorum subditi teneantur tam per mare, quam per terras, omnia humanitatis officia, prout occasio obtulerit, mutuo praestare.

2. Secundum. Quod permissum fuerit navibus cujuscunque generis aut ordinis, quae spectant ad Serenissimum Magnae Britanniae etc. Regem, vel quoscunque suos subditos, advehere in portus Villaefrancae, Niciae vel S. Hospitii, omnes res seu omnium generum merces, sive natura productas vel arte factas in quacumque parte orbis terrarum; quae omnia sic advecta licebit libere navium ducibus aut magistris vel quibuscumque iis inservientibus, aut mercatoribus aut commissionariis subditis suae Majestatis, ea omnia ad terram afferre et in domos introducere vel in repositoria extra domos in dictis locis, ibique apud se custodire et retinere quantum voluerint, absque confiscatione,

[14] The text is from the original manuscript of the ratification by the Duke of Savoy, in the London P. R. O., St. Pap. For., Treaties, no. 441.

[15] In the original treaty a preamble, omitted from this ratification, preceded the first article. The first part of this preamble is as follows:

"The convenient situation of the port of Villafranca in the Mediterranean Sea, and the capacity of the same, together with the security of it in all respects, have been efficacious motives to his most Serene Highness the Duke of Savoy, for the exhibiting and pronouncing the same free to the whole world; with a belief, that it might in time prove advantageous to the public, and to his Royal Highness in particular. But it so falling out, that the vigour of things which are established by the best counsel, in process of time are rendered languid and subject to mutation: it has therefore pleased his Royal Highness, not only to re-confirm the free state and condition of his port, but over and above to offer the same to his Majesty of Great Britain, etc. increased with new privileges, and augmented with inviolable capitulations. To these motives a most valid and reciprocal inducement joins itself; to wit, the luxuriant fertility of soil, which is obvious in the kingdoms and other plantations which are under the dominion of his Majesty of Great Britain, etc. as also in the dominions of his said Royal Highness; which superfluity, since it is so properly and naturally transmitted and emptied into the mutual territories, with the reciprocal fruit and advantage of the subject, it was easy for both Princes, between whom there passed long since the ties of an ancient friendship, confirmed by repeated alliances, and by late conjunction in blood, to entertain thoughts of superadding the new tie of mutual commerce, by which they might, upon the score of advantaging their subjects, further oblige and reciprocally engage themselves to each other." Chalmers, *Collection of Treaties between Great Britain and other Powers*, II. 309, 310.

vectigalis impositione, vel exactione quacumque; ulterius, si praedicta omnia aut eorum aliqua non venundabuntur eodem loco, licebit cuicunque eorum praenominatorum eadem per mare quocunque libuerit ad alia loca transferre, libere et absque solutione vectigalis, tributi, vel absque impositione cujuscunque generis.

. . . . . .

4. Quartum. Omnia et singula rerum ac mercium genera, quae natura producta vel arte facta fuerint in quibuscunque regnis Majestatis suae, vel in quibuslibet coloniis Indiarum Occidentalium sive Orientalium, vel aliis territoriis, quae de praesenti sunt vel de futuro erunt sub dominio suae Majestatis, libera conceditur subditis eius facultas vendendi per universa dominia suae Celsitudinis Realis, atque per omnes ipsius districtus ac ditiones, absque prohibitione ulla vel poena, non obstante quacunque lege vel edicto in contrarium, exceptis semper et solummodo sale, herba regina, sive tabacco, bombardico sive bellico pulvere, fune sclopetario sive nitrato, italicè *miccia,* anglicè *match,* globulis vel globis plumbeis cujuscunque generis sclopetis inservientibus, balenarum ossibus, chartis lusoriis cujuscunque generis, quoniam in consueto est haec omnia ut monopolia ad certos quosdam solummodo locare; nihilominus conceditur facultas subditis suae Maiestatis, juxta normam secundi capituli, haec etiam omnia in repositoriis suis in praedictis portubus conservandi, et retinendi, absque ulla vectigalis impositione aut exactione alicujus alterius poenae; quin imo insuper iisdem facultas conceditur ea omnia ipsis talium rerum monopolistis venditandi. Omnia autem mercium genera (exceptis praenominatis) quae introducentur in portus Villaefrancae, Niciae, vel S. Hospitii, quando eadem extrahentur e dictis portubus eum in finem, ut intra dominia suae Realis Celsitudinis venditio fiat, exigetur ab illo qui talia extraxerit, sive emptore sive venditore, dimidium solummodo istius vectigalis sive impositionis pecuniariae, quod continetur in capitulis et taxatione illa, sive tariffa, cujus exemplar excusum, et manu propria domini procuratoris suae Realis Celsitudinis subscriptum, traditum est domino equiti Finch, quo vectigali semel soluto nihil ulterius sive ab emptore sive a venditore pro supradictis mercibus intra dominia suae Realis Celsitudinis solvendum erit, cum declaratione expressa, quod pro singulis mercimoniis ex lana manu confectis vel quibuscumque mercibus praedictis, quae ut apparet in dicta taxatione sive tariffa non specificentur, solvendum erit vectigal unius cum dimidio per centum, hoc est dimidium illorum trium per centum quae exiguntur virtute ultimi capituli praedictae taxationis seu tariffae, quod ad calcem ipsius reperitur, quo semel soluto, nihil ulterius sive ab emptore sive a venditore pro dictis mercibus intra dominia suae Realis Celsitudinis solvendum erit.

. . . . . .

15. Decimum quintum, et ultimum. Ultimo pactum est, immunitates et privilegia ea omnia, quae in ordine generali portus liberi suae Realis Celsitudinis jam publicata sunt, quorum in praedictis capitulis mentio non fit, habeantur de verbo ad verbum in hoc instrumento pro specificatis; et quicquid de futuro immunitatis, privileggii, aut beneficii cuicunque alteri regno aut statui concedetur, totum illud cum omnibus circumstantiis subditis Majestatis Magnae Britanniae etc., aeque, plene, et ample pro concesso habeatur virtute hujus instrumenti. In quorum omnium plenam et integram fidem, perlectis et ponderatis singulis praedictis quindecim capitulis, praedicti procuratoros suae Majestatis Magnae Britanniae et Celsitudinis suae Realis praesens hoc instrumentum subscriptionibus propriis confirmaverunt, et propriis sigillis munive-

runt. Florentiis, die nona Septembris, annoque salutis millesimo sexcentesimo sexagesimo nono.

Joannes Finch. Joseph Mauritius Fillipponus.

In praesentia Thomae Baines. Mario Alberio, Joannes Carolus Palmerius, Petrus Battaglinius a secretis domini residentis, Joannes Baptista Madonus.

Cum itaque relatum nuper ad nos fuerit ratificationem nostram et aliquas declarationes ex parte praememorati Serenissimi ac Potentissimi Regis ultro requiri; Nos, cupientes sinceram et enixam propensionem, qua erga Majestatis suae desideria ducimur, magis magisque patefacere, et ut ejusdem subditi ad proposita commercia instituenda luculentius invitentur, iisque alacriori animo ad commune bonum incumbere valeant, requisitioni ex corde annuentes, suprascripta pacta rata habere, confirmare, et approbare voluimus, prout ea omnia tenore praesentium rata habemus, confirmamus, et approbamus.

[Three additional articles are here inserted.]

Haec autem omnia et singula pacta, necnon adjectas declarationes qua ad nos spectat, in verbo principis servaturos nos pollicemur, prout, et serio praecepturos magistratibus, ministris, et subditis nostris quatenus id ipsum praestare inviolabiliter teneantur. In quorum fidem praesentes expediri jussimus propria manu firmatas, et per Marchionem a S. Thoma ministrum et primum a secretis subscriptas, necnon magnae nostrae cancellariae sigillo munitas. Dabantur Augustae Taurinorum, die decima Januarii, anno millesimo sexcentesimo septuagesimo.

Emanuel.

V. Burchettus,
de St. Thomas.

Translation.

Charles Emanuel by the grace of God duke of Savoy, Chablais, Aosta, Geneva, and Montferrat, prince of Piedmont, marquis of Saluzzo, and count of Genoa, Nice, Asti, Romont, and Tenda, lord of Vercelli, of the marquisate of Cenis, Oneglia, and Magra, marquis in Italy, prince and perpetual vicar of the Holy Roman Empire, king of Cyprus, etc.

Be it known to all and singular that, after we had decided by promulgating our edict of January 22, 1667, to offer the port of Villafranca, endowed with many immunities and prerogatives, as a port free for all Europe for the public advantage of commerce, there arose thereafter some special negotiations concerning this matter with the Most Serene and Potent King of Great Britain; and they were so conducted that after several conferences had been held at Florence between the envoy of his Majesty and our commissioner, who were both provided with legal powers, a certain pact was agreed upon, the tenor of which follows:

1. First, since commerce has always been the associate of peace, peace, although it has not been interrupted for many years by war, is now ratified, confirmed, and established between the Most Potent monarch Charles II., king of Great Britain, etc., and his Royal Highness Charles Emanuel, second of that name, duke of Savoy, etc., whose subjects are bound to perform for each other mutually all kind offices, on both sea and land, as there shall be occasion.

2. Secondly, ships of every sort and kind, belonging to the Most Serene King of Great Britain, etc., or to any of his subjects, shall be permitted to bring into the ports of Villafranca, Nice, or Saint Hospice, all things, or all kinds of merchandise, whether produced by nature or made by art in whatsoever part of the world. The captains of the ships, or the masters, or any of those serving them, or the merchants or factors, subjects of his Majesty, shall be freely permitted to land all the things so brought, and to take them into houses or into repositories outside the houses in the said ports, and to preserve and keep them there near them, as much as they please, without confiscation, imposition of tax, or any exaction. Furthermore, if all or any of the aforesaid things are not sold in that same place, any of the aforesaid persons shall be permitted to transfer these things freely by sea to any other places they desire, without paying any tax, tribute, or imposition of any sort.

. . . . . .

4. Fourthly, all and every sort of things and merchandise, produced by nature or made by art in any kingdoms of his Majesty or in any colonies of the West or East Indies, or other territories, which at present are or in future shall be under the dominion of his Majesty, may be freely sold by his subjects throughout all the dominions of his Royal Highness, and through all his districts and territories, without any prohibition or penalty, notwithstanding any law or edict to the contrary, always with these sole exceptions, salt, tobacco, gunpowder, fuses or match, bird shot or bullets serviceable for any sort of arms, whalebone, and playing cards of any sort, because it is customary to farm out all these things as monopolies to certain individuals only. Nevertheless the subjects of his Majesty are permitted, in conformity with the second article, to preserve and keep all these things in their repositories in the aforesaid ports, without the imposition of any tax, or exaction of any other penalty; and furthermore they are permitted to sell all these things to the monopolists of the prohibited commodities themselves. Moreover, when any kind of merchandise (except the aforementioned), which shall be brought into the ports of Villafranca, Nice, or Saint Hospice, shall be carried out of the said ports for the purpose of selling it within the dominions of his Royal Highness there shall be demanded of him who carried out such things, whether he be the buyer or the seller, only one half of that tax or money imposition which is specified in the articles in that book of rates or tariff of which a copy was made, and signed by the hand of the lord procurator of his Royal Highness, and delivered to Sir John Finch. And when once this tax is paid, nothing further is to be paid for the aforesaid goods by either the buyer or seller within the domains of his Royal Highness, with express declaration, that for all woolen manufactures, or any of the aforesaid goods, which as it appears are not specified in the said book of rates or tariff, a tax of one and one half per cent. shall be paid, that is, one half of that three per cent. exacted by virtue of the last article of the aforesaid book of rates or tariff, near the end of it, and when once this is paid, nothing more shall be paid for the said merchandise by either buyer or seller, within the dominions of his Royal Majesty.

. . . . . .

15. Fifteenth and last. Lastly it is agreed, that all these immunities and privileges already published in the general regulation for the free port made by his Royal Highness, of which there is no mention in the aforesaid articles, be considered as specified word for word in this instrument; and whatever immunity, privilege, or favor shall be granted in future to any other kingdom or state, all these with all their accompaniments shall be considered as granted

to the subjects of his Majesty of Great Britain, etc., equally, fully, and amply by virtue of this instrument. And for the full and entire confirmation of all the above, after each of the aforesaid fifteen articles had been read through and weighed, the aforesaid procurators of his Majesty of Great Britain and of his Royal Highness, have confirmed this present instrument with their own signatures and have strengthened it with their own seals. At Florence on the ninth day of September in the year of salvation 1669.

JOHN FINCH. JOSEPH MAURITIUS FILLIPPONUS.

In the presence of Thomas Barnes. MARIO ALBERIO, JOANNES CAROLUS PALMERIUS, PETRUS BATTAGLINIUS, secretary of the lord resident, JOANNES BAPTISTA MADONUS.

Whereas we have recently been informed that our ratification and some additional declarations were further required on the part of the aforesaid Most Serene and Most Potent King, desiring that the sincere and earnest inclination whereby we are drawn toward the wishes of his Majesty shall more and more appear and that his subjects may be the better invited to institute the proposed commerce and may have the power to apply themselves with greater alacrity to the common good, assenting heartily to the requirement, we desire to ratify, confirm, and approve the aforesaid pacts, even as we do ratify, confirm, and approve them all by the tenor of these presents.

[Three additional articles are here inserted.]

Moreover, we promise on the word of a prince, to keep these pacts, all and singular, and also the declarations added thereto, in so far as it pertains to us, even as we shall also earnestly command our magistrates, ministers, and subjects that they shall be held to perform them inviolably. In confirmation whereof, we have ordered these presents to be drawn up, signed with our own hand, and subscribed by the Marquis de St. Thomas, our minister and first privy councillor, and strengthened with the seal of our great chancellery. Given at Turin, January 10, 1670.

EMANUEL.
V. BURCHETTUS,
de ST. THOMAS.

63.

Secret treaty between Great Britain and France, concluded at Dover, May 22/June 1, 1670. Ratification by Great Britain, June 14/24, 1670.

INTRODUCTION.

No sooner had Louis XIV. signed the peace treaty of Aix-la-Chapelle,[1] than he began to work for the dissolution of the Triple Alliance.[2] He aimed at isolating and ultimately destroying the United Provinces, which had dared to oppose his claims respecting the Spanish succession, and particularly his design of annexing the Spanish Netherlands, and were trying to enlarge the confederation against him.[3] For the purpose of detaching England from the Triple Alliance, and of uniting her with France against the Dutch, Louis XIV. despatched Colbert de Croissy, brother of the controller-general of finances, to the English court.[4] Arriving in London in August, 1668, Colbert found Charles II. desirous of joining with France, and not averse from making war upon the United Provinces, yet hesitating to take these steps, so he said, through fear of opposition from his people and Parliament, as well as from Arlington, his secretary of state, the known friend of Holland and Spain. For a time, therefore, Colbert moved cautiously, busying himself about a commercial treaty,[5] while Buckingham, Arlington's rival, dabbled in the political negotiations. Little progress was made until, early in the year 1669, Charles brought forward a new consideration. He avowed a desire to declare himself a Catholic, and to re-establish the Catholic religion in England. Here was an object for which he might well ask Louis XIV.'s liberal support. Lord Arundell of Wardour and Sir Richard Bellings, former secretary of the Catholic confederation in Ireland, were sent to confer with the King of France, with whom the Earl of St. Albans and Charles II.'s sister, Henrietta, duchess of Orleans, were also negotiating.[6] It was not until November, 1669, that Colbert was informed of these secret activities, or that Arlington began to share in them.[7] Parliament was then in session, and unwilling to grant Charles the desired

[1] See above, Doc. **61,** pp. 166-167.

[2] For the Triple Alliance, see Doc. **60,** p. 158, and Doc. **61,** p. 166.

[3] Mignet, *Négociations,* III. 29.

[4] For Colbert's instructions, see Mignet, *op. cit.,* III. 24-39; extracts from his correspondence are in Mignet, *op. cit.,* III. 23 ff., and in Dalrymple, *Memoirs,* II. 31 ff.

[5] "The treaty of commerce is only to throw dust in the eyes of the trading class in England", wrote the minister Colbert to his brother. H. Forneron, *Louise de Kéroualle* (1891), p. 41.

[6] For correspondence with the Duchess of Orleans, see Dalrymple, *op. cit.,* II. 19 ff., and J. Cartwright, *Madame, passim.*

[7] Barbour, *Henry Bennet, Earl of Arlington,* p. 162. Mignet gives June, 1669, as the date of Arlington's admission to the negotiations for the secret alliance. *Op. cit.,* III. 90.

supplies. The king's need of money seems to have led him to hasten the negotiations.[8] On December 18, 1669, Bellings presented a draft of a treaty to Colbert.[9] This stipulated that Louis should pay Charles £200,000 before the latter declared himself a Catholic, and should aid him further with troops and money in case the English rebelled. Both kings were to make war with all their forces against the United Provinces and Hamburg. Louis was to pay Charles £800,000, annually, as long as the war lasted. Charles was to have part of Zeeland—the town of Sluys and the islands of Walcheren and Cadsand —as his share of the conquest. The Prince of Orange was to be provided for. If any "new titles and rights to the Spanish monarchy" should fall hereafter to the Most Christian King, *i. e.,* if the King of Spain should die without heirs, Charles II. would aid Louis in the acquisition of these rights on condition that Louis help him to take possession of the island of Minorca, Ostend, and all that the King of Spain possessed in America.

The demand for Spanish America could not have surprised the King of France. Some two years earlier, he had himself proposed to help Charles to secure this region, on condition that Charles should not ally himself with the Dutch while France was at war with Spain.[10] Despite this offer, the King of Great Britain, as has been said, joined the Triple Alliance. When France again sought England's friendship, Charles II. naturally reverted to the old proposal. In March, 1669, Trevor offered to support the pretensions of Louis to the Spanish Succession, provided the English were given some Spanish territory. He hinted at West Indian islands.[11] Charles's later demand for specified portions of the Spanish dominions was awkward for Louis, since, in January, 1668, the latter had concluded with the Emperor Leopold a secret treaty of partition giving Spanish America and Minorca to Austria.[12] The French king therefore urged that for the present the provision touching the Spanish inheritance be limited to a general obligation to joint action, in accordance with particular conventions to be made upon the death of the King of Spain.[13] Charles II. consented to this limitation on condition that it should be stipulated at the same time that no treaty regarding the matter was to be made with the Emperor

[8] Mignet, *op. cit.,* III. 116, 117.

[9] The project is printed *ibid.,* III. 117-123, and, together with a translation, in Dalrymple, *op. cit.,* II. 44-54. The passage concerning America is as follows: "de plus, sa Majesté Très-Chrétienne promet et s'engage, tant en son nom qu'en celui de la Reine Très-Chrétienne, ses héritiers, successeurs, et ayants cause, lesdits droits sur la monarchie lui étant échus, d'assister le Roi de la Grande-Bretagne à se rendre maître des contrées et places en Amérique qui sont à present sous l'obéissance des Espagnols, et de faire tout son possible pour obliger les peuples qui habitent ces pays et places de l'Amérique de se soumettre au gouvernement dudit seigneur Roi d'Angleterre, ses hoirs et successeurs; et s'étant soumis ou étant réduits à se soumettre, lesdits peuples seront toujours réputés sujets dudit seigneur Roi de la Grande-Bretagne et de ses hoirs et successeurs. A été conclu et arrêté qu'aucun desdits seigneurs rois ne pourra faire la paix sans le consentement et approbation de l'autre, avec quelque prince ou état que ce soit, qui se seraient opposés aux droits et justes titres dévolus au Roi Très-Chrétien, ainsi que dit est auparavant."

[10] See above, Doc. **60**, p. 157, and note 3.

[11] A. Legrelle, *La Diplomatie Française et la Succession d'Espagne,* I. 218, 219; Mignet, *op. cit.,* III. 101.

[12] See above, Doc. **59**.

[13] Mignet, *op. cit.,* III. 126, 131, 143, 148.

or with Don Juan, the king of Spain's illegitimate brother, unless Charles and Louis mutually agreed thereto.[14] There was further wrangling over the precise terms of the article, which finally provided (1) that the King of England should aid the King of France to acquire the " new rights " that might fall to him with respect to the Spanish monarchy; (2) that particular provisions regarding the joining of the forces of both kings, and the " advantages " that the King of Great Britain might reasonably desire, would be agreed on after the death of the King of Spain (but this eventuality was euphemistically referred to); (3) that neither king should, in future, make a treaty with any prince or potentate on account of these " new rights ", except by mutual consent. Other principal provisions of the treaty were that Charles should declare himself a Catholic, and, since this might cause a rebellion of his subjects, should be assisted by the King of France with 2,000,000 livres, and, if necessary, with troops; that after Charles's declaration, which should be at a moment convenient for himself, he should join Louis in making war against the United Provinces, at a time to be determined by the latter; that neither king should make peace without the other's consent; that Charles was to have Sluys, Walcheren, and Cadsand as his share of the conquests, and was to be paid 3,000,000 livres, annually, by Louis, during the war; that Louis should bear the expense of the land forces, except the 6,000 English infantry, and should join thirty men-of-war to Charles's fifty.

The treaty, secretly concluded at Dover on May 22/June 1, 1670, could not be revealed in its entirety to the Protestant councillors, Buckingham, Ashley, and Lauderdale. Buckingham was led into engaging in pretended negotiations terminating in the sham treaty of December 21, 1671, whose stipulations were nearly identical with those of the treaty of Dover, barring the provisions relating to Catholicism, and to the Spanish Succession.[15] This treaty was signed by all the members of the cabal, as was also a third closely similar treaty, signed on February 2/12, 1672,[16] apparently for the purpose of convincing those to whom it was made known that no treaty had been concluded earlier.

Bibliography.

Text: MS. The ratification by England is in the bureau of the archives of the Ministry of Foreign Affairs in Paris. An original, signed by Colbert de Croissy, was, in 1830, in the keeping of Lord Clifford of Chudleigh, a descendant of one of the signers, Sir Thomas Clifford.

Text: Printed. J. Lingard, *The History of England to the Accession of William and Mary in 1688* (ed. 1883), IX. 503-510; F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne* (1835-1842), III. 187-199.

References: Contemporary and early writings. F. A. A. Mignet, *op. cit.*, III. 5-268, *passim*; Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (1771-1788), II. 4-88; Julia Cartwright (Mrs. Henry Ady),

[14] *Ibid.*, III. 132.
[15] The text of Buckingham's treaty is in Mignet, *op. cit.*, III. 256-265.
[16] *Ibid.*, III. 700, 701.

Madame, a Life of Henrietta, Daughter of Charles I. and Duchess of Orleans (1900), pp. 267-343, *passim*; *Oeuvres de Louis XIV.* (1806), V. 446, 450, 451, 460, 463-466, 468-472, VI. 422-450; Hist. MSS. Comm., *Report on the MSS. of the Duke of Buccleuch and Queensberry*, I. (1899) 418 ff.

References: Later writings. A. Legrelle, *La Diplomatie Française* (1888-1892), I. 149-226; F. A. A. Mignet, *op. cit.*, III. 5-268, *passim*; L. von Ranke, *England* (1875), III. 491-504; O. Klopp, *Der Fall des Hauses Stuart und die Succession des Hauses Hannover* (1875-1888), I. 227-275; V. Barbour, *Henry Bennet, Earl of Arlington* (1914), ch. IX.; R. Lodge, *The History of England from the Restoration to the Death of William III.* (1910), pp. 96-103.

TEXT.[17]

Charles par la grace de Dieu roy de la Grande Bretagne, France, et Irlande, defenseur de la foy, a tous ceux qui ces presentes lettres verront, salut. Comme en vertu des pouvoirs respectivement donnés par nous, et le Serenissime et Tres Puissant prince le roy Tres Chrestien, nostre tres cher et tres amé bon frere et cousin, à nostre tres cher et bien amé le mylord Arlington, conseiller en nostre conseil privé, et nostre premier secretaire d'estat, a nostre tres cher et bien amé le mylord Arundel de Warder, a nostre tres cher et bien amé le sieur chevalier Clifford, conseiller en nostre conseil privé, tresorier de nostre maison et commissaire de nos finances, et nostre cher et bien amé le sieur chevalier Bellings, secretaire des commandemens de la reine, nostre tres chere espouse, et le sieur Charles Colbert, seigneur de Croissy, conseiller ordinaire au conseil d'estat de nostredit frere et son ambassadeur vers nous, ils ayent dans la ville de Douvres, le vingt deuxiesme jour de may, suivant l'ancien stile, et le premier de juin suivant le nouveau, conclu, arresté, et signé un traité de plus estroite union, amitié, et alliance entre nous et nostredit frere, duquel traité la teneur ensuit.

Au nom de Dieu tout puissant, soit notoire a tous et un chacun que comme ainsi soit que le Serenissime et Tres Puissant prince Charles Second par la grace de Dieu roy de la Grande Bretagne et le Serenissime et Tres Puissant prince Louis Quatorziesme, par la mesme grace de Dieu roy Tres Chrestien, auroient toujours donné tous leurs soins et toute leur application a procurer a leurs sujets une felicité parfaite, et que leur propre experience leur auroit asses fait connoistre que ce bonheur commun ne se peut rencontrer que dans une tres estroite union, alliance, et confederation entre leurs personnes, et les pays et estats qui leur sont soumis, a quoy s'estans trouvés egallement portés, tant par la sincere amitie et affection que la proximité du sang, celle de leurs royaumes et beaucoup d'autres convenances ont estably entre eux, et qu'ils ont conservé cherement au plus fort des desmeslés que les interests d'autruy leur ont fait avoir ensemble, que par le desir qu'ils ont de pourvoir pour tousjours a la seureté de leurs dits pays et estats, comme aussy au bien et a la commodité de leurs sujets, dont le commerce doit recevoir dans la suitte du temps de notables advantages de cette bonne correspondence et liaison d'interests, Lesdits seigneurs roys, pour executer ce saint et louable desir, et pour tousjours fortifier, confirmer et entretenir la bonne amitie et intelligence qui est a present entre eux, ont commis et deputé chacun de sa part, sçavoir ledit seigneur Roy de la

[17] The text is from the original manuscript of the ratification by the King of England, preserved in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

Grande-Bretagne le my lord Arlington, conseiller au conseil privé de sa Majesté et son premier secretaire d'estat, le my lord Arundel de Warder, le sieur chevalier Clifford, conseiller au conseil privé de sa Majesté, tresorier de sa maison et commissaire de ses finances, le sieur chevalier Bellings, secretaire des commandemens de la Reyne de la Grande Bretagne, et ledit seigneur Roy Tres Chrestien le sieur Charles Colbert, seigneur de Croissy, conseiller ordinaire de sa Majesté en son conseil d'estat, et son ambassadeur ordinaire vers sa Majesté de la Grande Bretagne, suffisamment autorisés ainsi qu'il apparoistra par la teneur desdits pouvoirs et commissions a eux respectivement donnés par lesdits seigneurs rois, et inserés de mot a mot a la fin de ce present traité, en vertu desquels pouvoirs ils ont accordé, au noms des susdits seigneurs rois, les articles qui ensuivent.

1. Il est convenu, arresté, et conclu qu'il y aura a toute perpetuité bonne, seure, et ferme paix, union vraye, confraternité, confederation, amitie, alliance, et bonne correspondence entre ledit seigneur Roy de la Grande Bretagne, ses hoirs et successeurs, d'une part, et ledit seigneur Roy Tres Chrestien de l'autre, et entre tous et chacun de leurs royaumes, estats, et territoires, comme aussy entre leurs sujets et vassaux qu'ils ont et possedent a present, ou pourront avoir, tenir, et posseder cy apres, tant par mer et autres eaües que par terre; et pour tesmoigner que cette paix doit estre inviolable sans que rien au monde la puisse a jamais troubler, il s'ensuit des articles d'une confiance si grande et d'ailleurs si avantageux seigneurs rois, qu'a peine trouvera-on que dans aucun siecle, on en ait arresté et conclu de plus importans.

. . . . . .

3. Item, a esté convenu entre le Roy Tres-Chrestien et sa Majesté de la Grande Bretagne que ledit seigneur Roy Tres Chrestien ne rompra ny n'enfreindra jamais la paix qu'il a fait avec l'Espagne, et ne contreviendra en chose quelconque a ce qu'il a promis par le traité d'Aix la Chappelle, et par consequent il sera permis au Roy de la Grande Bretagne de maintenir ledit traité conformement aux conditions de la triple alliance et des engagemens qui en dependent.

4. Il est aussy convenu et accordé que s'il escheoit c'y apres au Roy Tres Chrestien de nouveaux titres et droits sur la monarchie d'Espagne, que ledit seigneur Roy de la Grande Bretagne assistera sa Majesté Très Chrestienne de toutes ses forces, tant par mer que par terre, pour luy faciliter l'acquisition desdits droits, le tout suivant les conditions particulieres dont lesdits seigneurs roys se reservent de convenir, tant pour la jonction de leurs forces apres que le cas de l'escheance desdits tiltres et droits sera arrivé que pour les avantages que ledit seigneur Roy de la Grande Bretagne pourra raisonnablement desirer; et lesdits seigneurs rois s'obligent reciproquement des a present de ne faire aucun traité de part ny d'autre, pour raison desdits nouveaux droits et titres, avec aucun prince ou potentat, quel que ce puisse estre, que de concert et du consentement de l'un et de l'autre.

. . . . . .

Lesquels points et articles cy-dessus enoncés, ensemble tout le contenu en chacun d'iceux, ont esté traittés, accordés, passés, et stipulés entre le my lord Arlington, le my lord d'Arundel de Warder, le sieur chevalier Clifford, et le sieur chevalier Bellings, commissaires de sa Majesté de la Grande Bretagne, et le sieur Colbert, ambassadeur de sa Majesté Tres Chrestienne, aux noms desdits seigneurs roys et en vertu de leurs pouvoirs donts les copies sont inserées au bas du present traité, ont promis et promettent sous l'obligation de tous et chacuns des biens et estats presens et a venir desdits seigneurs rois,

qu'ils seront par leurs Majestés inviolablement observés et accomplis, et de s'en bailler et delivrer réciproquement, dans un mois du jour et datte des presentes et plustost si faire se peut, les lettres de ratification desdits seigneurs roys en la meilleure forme que faire se pourra; et d'autant qu'il est absolument necessaire, pour le bon succes de ce qui est stipulé par le present traité, de le tenir fort secret jusqu'a ce qu'il soit temps de le mettre a execution, lesdits sieurs commissaires et ambassadeur sont demurés d'accord qu'il suffira pour la validité dudit traité, que les ratifications desdits seigneurs roys soient signées de leurs propres mains et cachetées du sçeau de leur secret, que lesdits seigneurs declareront dans lesdites lettres de ratification avoir pour cet effect la mesme force que si leur grand sçeau y estoit apposé, ce que mesme chacun d'eux s'obligera de faire aussytost qu'il le pourra et qu'il en sera requis. En foy de quoy lesdits sieurs commissaires et ambassadeur ont signé le présent traité et a iceluy fait apposer le cachet de leurs armes. A Douvres ce vingt deuxiesme jour du mois de May, l'an de grace mil six cents soixante et dix. Signé: Arlington, Arundel, Clifford, Bellings, et Colbert.

Nous ayans le traité susdit agreable en tous et chacuns des points et articles qui y sont contenus et declarés, avons iceux tant pour nous que pour nos heritiers, successeurs, royaumes, pays, et sujets, accepté, approuvé, ratifié, et confirmé, acceptons, approuvons, ratifions, et confirmons, et le tout promettons en foy et parolle de roy, et sous l'obligation et hypotheque de tous et chacuns nos biens presens et a venir, garder, observer, et entretenir inviolablement, sans jamais rien faire ni entreprendre au contraire directement ou indirectement, en quelque maniere que ce soit; en tesmoin de quoy, et pour plus grande seureté du secret qui doit estre gardé dudit traité, nous avons signé ces presentes lettres de ratification de notre propre main, et fait mettre a icelles nostre scel secret, lequel pour cet effect aura la mesme force que si nostre grand sçeau y estoit apposé, ce que nous promettons de faire aussytost qu'il se pourra et que nous en serons requis. Donné a Whitehall, le quatorziesme juin, l'an de grâce mil six cents soixante dix et de nostre reigne le vingt deuxiesme.

Charles R.

Par le commandement de sa Majesté,

Arlington.

64.

Agreement concluded between the English governor of Nova Scotia and the commissioner of France, at Boston, July 7, 1670, O. S.

Introduction.

It was three years after the conclusion of the treaty of Breda [1] before its provision for restoring Acadia to France was carried into effect. Among the reasons for this delay were the procrastination of the French in restoring the English part of the island of St. Christopher,[2] also stipulated by this treaty; the desire of Sir Thomas Temple, governor of Nova Scotia, to retain territory which was his by grant and purchase, and on whose defense he had spent considerable sums; [3] the undetermined character of the boundaries of Acadia, which were a matter of dispute between the English and French; and possibly the fact that a part of the territory claimed by the French fell within the Duke of York's patent.[4]

The question of the limits of Acadia was of great importance to Massachusetts, some of whose citizens owned land and trading posts between the Kennebec and the Penobscot. The colony dreaded having the French so near, and were suspicious of their plans for "making a passage" by land from Pentagoet to Quebec.[5] The tenth article of the treaty of Breda vaguely described the territory to be restored as "the country which is called Acadia, situated in North America, which the Most Christian King formerly possessed". The King of England's order to Temple, of December 31, 1667, to surrender this territory to France, specified "the forts and habitations of Pentagoet, St. John, Port Royal, La Hève, and Cape Sable", which the French "enjoyed until the English took possession of them in 1654, 1655, and since".[6] The same king's letters patent, of February 17, 1667/8, restoring this territory employed the same terms, which are said to have been inserted at the request of Ruvigny, the French envoy extraordinary.[7] Clearly, Charles had accepted the French definition of "Acadia". But when Louis XIV.'s commissioner, DuBourg, presented the King of England's order to Temple, in Boston, where Temple resided, on October 21, 1668, the latter made various pretexts for not obeying it. Distinguishing between Nova Scotia and Acadia, Temple claimed that the former extended from Mirlegash to Pentagoet, and that of the five

[1] See above, Doc. **58**, p. 133.
[2] St. Christopher was not restored until July 5/15, 1671. For an account of the negotiations and occurrences leading up to this event, see C. S. S. Higham, *The Development of the Leeward Islands under the Restoration, 1660-1688* (1921), ch. III.
[3] *Cal. St. Pap. Col.*, 1661-1668, nos. 1641, 1877; *id.*, 1669-1674, nos. 24, 25.
[4] The patent, of March, 1664, is printed in J. R. Brodhead, *Hist. St. N. Y.*, II., app.
[5] *Mémoires des Commissaires du Roi*, II. 299 ff.
[6] *Cal. St. Pap. Col.*, 1661-1668, p. 528. On the seizure of these places by the English, see above, Doc. **47**, p. 41.
[7] The letters patent are in *Mémoires des Commissaires du Roi*, II. 292-298.

places named only La Hève and Cape Sable were in Acadia.[8] On November 10 he had the pleasure of showing DuBourg a letter from Charles II. commanding Temple not to hand over Acadia until his Majesty's further pleasure was known.[9] DuBourg, however, appealed to the French ambassador at London, Colbert de Croissy,[10] who used his persuasive art to such good effect that on March 9, 1669, and again, emphatically, on August 9 following, the King of England ordered Temple to surrender Acadia in conformity with the earlier order of December 31, 1667.[11] Louis XIV. then sent a new commissioner, the Sieur Grandfontaine, to Boston,[12] and here on July 7, 1670, the two men signed the agreement printed below. This instrument consisted of a promise by Grandfontaine that immediately upon the restitution by Temple to him of the five places and of all the country of Acadia, in conformity with the king's letter and the tenth and eleventh articles of the treaty of Breda, he would give entire liberty to all of Temple's people in Acadia to withdraw with their shallops, merchandise, etc. He would observe with regard to the English in Acadia the said articles of the treaty, and would not appropriate anything belonging to Temple. The fishermen who might be in the harbors and along the coasts of Acadia by Temple's permission might remain and fish there for three months, but in the following year might not go there at all, without leave from the French king or commander. The same provision was to apply to persons who might be at Cape Breton for the purpose of loading coal. It is noteworthy that in Grandfontaine's instructions for these negotiations, Acadia is said to extend from the Kennebec and Pentagoët to Canso and Cape Breton and to the St. Lawrence.

On August 27, 1670, Pentagoët was surrendered to Grandfontaine, and, a few days later, Jemseg and Port Royal to Grandfontaine's lieutenant.[13] Grandfontaine made his chief residence at Pentagoet, now Castine, the place nearest to the dominions of the English.

Massachusetts objected to this restoration of Nova Scotia, as harmful to her commercial interests and a source of danger in time of war.[14] She at once set about determining her northeastern limits; found them in Penobscot Bay, and notified the Count de Frontenac to this effect.[15]

[8] *Memoires des Commissaires du Roi,* II. 310-312.

[9] *Memorials of the English and French Commissaries,* pp. 591 ff.; *Cal. St. Pap. Col.,* 1661-1668, nos. 1868, 1877.

[10] *Collection de Manuscrits,* I. 188, 189, and *Mémoires des Commissaires,* II. 557.

[11] *Cal. St. Pap. Col.,* 1669-1674, nos. 4, 24; *Mémoires des Commissaires du Roi,* II. 558, 559; *Memorials of the English and French Commissaries,* pp. 601-603.

[12] Grandfontaine's instructions are in *Collection de Manuscrits,* I. 191 ff.

[13] *Mémoires des Commissaires du Roi,* II. 319-326; *Collection de Manuscrits,* I. 199-202.

[14] *Cal. St. Pap. Col.,* 1669-1674, no. 68.

[15] C. W. Tuttle, *Capt. Francis Champernowne,* pp. 132-134. Denonville, in a memoir on the French limits in North America, drawn up in 1688, states that besides the treaty concluded between Grandfontaine and Temple "they have concluded still another, which bounds the country of Acadia and separates it from that which the English occupy by the River Kinibeki. Mr. de Grandfontaine and Mr. Temple ought to have each a duplicate thereof. A copy of it has been seen in the hands of Mr. Richard Denis de Fronsac, or of Jean Fevrean St. Aubin, inhabitants of Acadia. Sieur Denis, father of said Sieur de Frontenac [*sic*] has written the history of Acadia, to which reference may be had". J. R. Brodhead, *Docs. Col. Hist. N. Y.,* IX. 380.

Bibliography.

Text: MS. No original has been found. In the archives of the Ministry of Foreign Affairs in Paris, Mémoires et Documents, tom. 5, is a copy, made in the year 1750 from a copy then in the Chateau St. Louis at Quebec, but not now to be found there.

Text: Printed. The text of the agreement, signed by Temple, is printed, from the above Quebec manuscript, in *Collection de Manuscrits contenant Lettres, Mémoires, et autres Documents Historiques relatifs à la Nouvelle France* (ed. under auspices of the legislature of Quebec, 1883-1885), I. 198, 199.

References: Contemporary and early writings. *Cal. St. Pap. Col.*, 1661-1668, nos. 1598-1600, 1635-1638, 1641, 1643-1646, 1654, 1655, 1699-1701, 1709, 1808, 1815, 1868, 1877, 1898, and 1669-1674, nos. 4, 23, 24, 32, 68, 95, 384, 1010; *Collection de Manuscrits*, I. 187-210; *Mémoires des Commissaires du Roi et de ceux de Sa Majesté Britannique* (1755), II. 292-326, 557-559, IV. 16 ff., 31 ff., 257 ff., 284, 286 ff., 317, 328 ff., 337 ff., 350 ff., 361; *The Memorials of the English and French Commissaries concerning the Limits of Nova Scotia or Acadia* (1755), pp. 20 ff., 121, 122, 165 ff., 409 ff., 449 ff., 581-613, 742-744; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), IV. 476, 477, IX. 267, 268, 379, 380, 787, 788, 800; P. F. X. de Charlevoix, *History and General Description of New France* (translated with notes by J. G. Shea, 1866-1872), III. 138, 139.

References: Later writings. B. Murdoch, *Nova Scotia* (1865-1867), I. 145-146; James Hannay, *History of Acadia from its First Discovery to its Surrender to England by the Treaty of Paris* (1879), pp. 207-209; W. F. Ganong, "A Monograph of the Evolution of the Boundaries of the Province of New Brunswick", in *Transactions* of the Royal Society of Canada, second ser., vol. VII. (1901), sect. 2, pp. 185, 186; W. D. Williamson, *History of the State of Maine* (1832), I. 428, 429, 441; C. W. Tuttle, *Capt. Francis Champernowne: the Dutch Conquest of Acadie, and other Historical Papers* (1889), pp. 132 ff.

Text.[16]

Faict à Baston le 7^{me} juillet 1670.

Hector Dandigny, chevallier, sieur de Grandfontaine, porteur du grand sçeau de France et d'une lettre du Roy de la Grande Bretagne pour M. le Chevallier Temple, lieutenant général et gouverneur des païs de l'Acadie pour le Roy de la Grande Bretagne et luy demander en vertu de ladite lettre et au nom de Sa Majesté Tres Chrestienne la restitution des forts et païs de l'Acadie, et pourvu d'une commission de sadite Majesté Très Chrestienne pour y commander, certifie et promet qu'ensuitte de la restitution qui lui sera faicte par ledit Chevallier Temple des forts de Pentagouët, la Rivière St. Jean, le Port Royal, Cap Sable, La Hève, et généralement touttes les terres et rivières qui sont comprises dans l'estendue dudit païs de l'Acadie, conformément à la lettre dudit Roy de la Grande Bretagne et aux articles dix et onzieme du traitté de Bréda, qu'il donnera une liberté entière à tous ceulx qui appartiendront au dit Sieur Chevallier Temple qui se trouveront dans lesdits ports,

[16] The text is that printed in the *Collection de Manuscrits relatifs à la Nouvelle France*, except for a few evident emendations drawn from the copy in the Ministry of Foreign Affairs in Paris.

terres, et païs de l'Acadie, de se retirer incessamment aussytost l'ordre reçu avec ses [queches] [17] chaloupes, marchandises de traitte, bestiaux, et pelleteries et aultres meubles qu'ils pourront y avoir sans y porter aulcun empeschement quelconque; et, en outre, il promet [18] aussy d'observer à l'égard des Anglois qui pourront estre habitués dans lesdits païs de l'Acadie le contenu desdits articles dix et onze du traitté de Bréda, et qu'il ne sera faict aulcun acte d'hostilité de part ny d'aultre, ny derobé aulcune chose appartenant audit Chevalier Temple, et le tout cy dessus sera exécuté de bonne foy entre eulx, comme ils en sont convenus et que chacun en signera un double et appliquera son sceau.

[Fait a Baston chez mon dit sieur Chevalier Temple ce septieme Juillet mil six cent septante, etc., en et signé TEMPLE.]

Et à l'égard des pescheurs qui pourront estre dans les havres et le long des costes dudit païs de l'Acadie, avec congez dudit sieur Chevallier Temple, ils pourront y demeurer et achever leur pesche d'icy à trois mois sans qu'on [19] leur apporte aulcun trouble et l'année qui vient ils n'y pourront aller en aulcune manière, à moins qu'ils [n']ayent eu un congé exprès de sa Majesté Trés Chrestienne, ou de celuy qui commandera dans ledit païs en son nom.

Cet article aura lieu pour ceulx qui pourront estre presentement au Cap Breton pour charger du charbon pareillement pour lesdits pescheurs.

Faict le mesme jour qu'en l'aultre part et est escrit et scellé du cachet de ses armes.

TEMPLE,

[17] This word, *Anglice* ketches, is in the Paris copy, but not in the printed text.
[18] *Il promet* in the Paris copy; *je promets* in the printed text.
[19] *On* in the Paris copy; *il* in the printed text.

65.

Treaty between Great Britain and Spain, concluded at Madrid, July 8/18, 1670. Ratification by Spain, October 8, 1670. [Ratification by Great Britain, August 12/22, 1670.[1]*]*

Introduction.

The treaty of peace and amity negotiated by Lord Sandwich at Madrid in 1667[2] utterly failed to end the strife between Englishmen and Spaniards in the West Indies. Jamaican privateers continued their attacks upon Spanish ships and territories, confident of protection from their good friend Sir Thomas Modyford, the governor of Jamaica. Modyford, who had granted them letters of marque against the Spaniards,[3] declared that he had not seen the treaty of Münster to which the treaty of 1667 referred,[4] and that he would not alter his attitude until further orders.[5] One of his pretexts for licensing the buccaneers was his suspicion that Spain was planning to retake Jamaica.[6] He declared that the island would never be secure until the Spanish government acknowledged England's right to it, and named it in a treaty.[7]

After Morgan's sacking of Porto Bello, the Spanish ambassador in England, the Count of Molina, remonstrated, as he had before, against the infractions of the treaty of 1667. He desired satisfaction for his mistress the Queen Regent of Spain, and punishment for Modyford, and threatened to leave London.[8] In April, 1669, the queen ordered her governors in the West Indies to proclaim war against the English south of the tropic of Cancer.[9]

The British government was anxious to avoid a breach with Spain that might interrupt Anglo-Spanish commerce to the advantage of the Dutch.[10] It believed that Spain's terror of France, and realization of her own defenselessness within and without Europe, would induce her to buy Great Britain's friendship by concessions in America. The British government therefore adopted a conciliatory attitude, and sent Sir William Godolphin, Lord Sandwich's former secretary, as envoy extraordinary to Madrid, to negotiate a treaty providing amnesty for the past, good intelligence for the future, and the kind reception of English ships into Spanish-American harbors. Great

[1] The ratification by the King of England is printed in Abreu y Bertodano, *Colección de los Tratados de Paz de España: Reynado de Carlos II.* (1751-1752), I. 522-524.
[2] Doc. **55.**
[3] *Cal. St. Pap. Col.*, 1669-1674, pp. 38, 39, no. 103.
[4] See above, p. 107; for the treaty of Münster, see *Treaties to 1648*, Doc. **40.**
[5] *Cal. St. Pap. Col.*, 1661-1668, p. 528, no. 1652.
[6] *Ibid.*, p. 610, no. 1838.
[7] *Ibid.*, p. 615, no. 1850.
[8] *Acts of the Privy Council, Colonial*, I. (1908) 497, no. 822; *Cal. St. Pap. Col.*, 1669-1674, p. 1, no. 1; T. Bebington, *Arlington's Letters to Sir W. Temple* (1701), p. 395.
[9] *Cal. St. Pap. Col.*, 1669-1674, p. 54, no. 149, p. 73, no. 211, p. 109, no. 280.
[10] *Ibid.*, p. 68, no. 193; P. R. O.. St. Pap., Spain, no. 57, Godolphin to Charles II., July 19/29, 1670.

Britain did not at this time ask for liberty to trade in Spanish America, partly because her own Navigation Act was inconsistent with reciprocal free trade in those regions, and partly because her merchants believed it more profitable to send goods thither by way of Spain than to ship them there directly.[11]

In Godolphin's negotiations with the Spanish commissioner, the Count of Peñaranda, which began in the autumn of 1669, the English envoy assumed the attitude of consenting to an adjustment rather than of seeking it.[12] Taking the position already assumed by the English government,[13] he successfully combatted the Spanish contention that the first article of the treaty of 1667 had established a general peace between the two crowns, all over the world, and that therefore reparation should be made for the acts of the privateers and justice done to Modyford.[14] No satisfaction was arranged for in the treaty of 1670, although Modyford was sent home to England as a prisoner in 1671.[15]

The articles of Godolphin's *projet* met with strong opposition, especially from the Council of the Indies and from Spanish commanders long in America. As to accommodating English ships in distress, the Spaniards argued that the English could always pretend that they were pursued, or in need of supplies; and, once in port, the Spaniards themselves would seek trade with them, which could not be prevented.[16] They proposed several restrictive clauses and urged the substituting of a royal *cédula* for a formal treaty, lest other princes, especially the French, should press for the same privileges. Godolphin rejected these proposals, and forced them to accept most of his own. But he did not succeed in enlarging the privileges already granted to Lord Sandwich in the Philippines,[17] by obtaining "some freedom of trade at Manilla . . . from [English] plantations and factories in the East Indies", as had been recommended to him by the East India Company.[18]

The treaty was signed on July 8/18, 1670, to the chagrin of the Spaniards. "This treaty", said Godolphin, "pierceth generally the hearts of the people, having never yet made any particular one on this subject, nor indulged any negotiations approaching thereto."[19] In fact, it went much farther

[11] P. R. O., St. Pap., Spain, no. 57, Godolphin to Arlington, July 13/23, 1670; *Cal. St. Pap. Col.*, 1669-1674, p. 68, no. 194.

[12] P. R. O., St. Pap., Spain, no. 56, Godolphin to Arlington, May 4/14, 1670.

[13] *Cal. St. Pap. Col.*, 1669-1674, p. 54, no. 149. But *cf. ibid.*, 1661-1668, p. 641, no. 1908.

[14] *Ibid.*, 1669-1674, pp. 159, 172, 174, 245, 246, etc.

[15] Godolphin to Arlington, June 28/July 8, 1670.

[16] "They excepted the South-Sea", writes Godolphin, "then many of their principal ports, allowing in case of necessity only a certain number by name; then they long insisted that all our ships that sayl'd to the Indyes should give security for their good behaviour before they left England. Then the difficulties of declaring our right unto, dominion, and lawfull propriety of our islands, or colonys ther. Then returning to their old proposition of buying Jamaica. Then the Biscayners and Ostenders (and among these many Hollanders) offering to maintain a constant fleet of ships in those seas to chastize us ther, upon condition they might trade to some certain remote ports, and have the use of all in the manner agreed now to us." Godolphin to Williamson, July 13/23, 1670. On the proposals of the Biscayners and Ostenders, *cf.* C. H. Haring, *Trade and Navigation in the Indies* (1910), p. 256.

[17] F. R. Harris, *Edward Montagu*, II. 103; see also Doc. **55.**

[18] Godolphin to Arlington, May 4/14, 1670.

[19] Same to same, June 28/July 8, 1670.

in some important respects than Lord Sandwich's treaty of 1667,[20] which it confirmed. The article stipulating Britain's ownership of the regions possessed by her subjects in America was far more explicit, comprehensive, and forcible than the corresponding concession in the earlier treaty, although neither Jamaica nor the other British-American possessions were mentioned by name. The promise of kind entertainment in Spanish-American ports for British vessels in distress, with permission to provision and undergo repairs there, was an entirely new concession, not previously granted by Spain, in any treaty with any power.

Bibliography.

Text: MS. The treaty concluded on July 8/18, 1670, between Great Britain and Spain for the settlement of all disputes in America, and its ratification by Spain on Sept 28/Oct 8, 1670, are in the P. R. O., St. Pap. For., Treaties, no. 470.

Text: Printed. J. A. de Abreu y Bertodano, *Colección de los Tratados* (1751-1752), I. 498-513, 522-526; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 137-139.

Translations: English. *A General Collection of Treatys* (1710), pp. 162-167; G. Chalmers, *A Collection of Treaties* (1790), II. 34-40; *British and Foreign State Papers,* I. 608-611 (Extract); same in L. Hertslet, *A Complete Collection of Treaties* (1827-), II. 196-199. **Spanish.** Abreu, *loc. cit.*; C. Calvo, *Recueil Complet des Traités . . . de tous les États de l'Amérique Latine* (1862-1866), I. 162-172.

References: Contemporary and early writings. *Cal. St. Pap. Col.,* 1661-1668 (1880), pp. 528, 610-612, 615-617, 636, 641, and 1669-1674 (1889), pp. 1, 27, 28, 38, 39, 46, 54, 57-83, *passim,* 105-109, 130, 142, 146, 158, 159, 174; *Acts of the Privy Council, Colonial* (1908-1912), I. 497, 498, 716, 717, 880, 881; T. Bebington, *The Earl of Arlington's Letters to Sir W. Temple* (1701), p. 395; *Hispania Illustrata* (1703), p. 115.

References: Later writings. V. Barbour, "Privateers and Pirates of the West Indies", in *Am. Hist. Rev.,* XVI. 558-563 (1911); C. H. Haring, *The Buccaneers in the West Indies in the XVII. Century* (1910), pp. 196-198.

Text.[21]

Carolus Secundus, Dei gratia Hispaniarum, etc. rex, et Serenissima Regina Maria Anna Austriaca, etc., Notum facimus per praesentes nostras litteras approbationis, ratihabitionis, et confirmationis, quod decimo octavo die mensis Julii, anni praesentis millesimi sexcentesimi septuagesimi, Matriti, tractatus de componendis controversiis, depraedationibus coercendis, et pace concilianda in America inter nos, praefatum Serenissimum ac Potentissimum Regem atque Reginam Hispaniarum, ab una, et Serenissimum ac Potentissimum Carolum Secundum, Magnae Britaniae regem, etc. fratrem, consanguineum, et amicum nostrum charissimum, ab altera parte, factus, initus, et conclusus fuit tenore sequenti.

[20] Doc. **55.**

[21] The text is taken from the original manuscript of the ratification by the Queen-Regent of Spain, preserved in the P. R. O., St. Pap. For., Treaties, no. 470.

Cum pluribus retro annis bona intelligentia et amica gentes inter Hispanam Anglicanamque correspondentia in America interruptae fuissent, et ad utramque restaurandam certisque pro futuro regulis stabiliendam Serenissimus ac Potentissimus dominus Carolus Britaniae etc. rex misisset in Hispaniam ablegatum suum extraordinarium dominum Guilielmum Godolphin, equitem auratum, aerarii reddituumque regiorum auditorem et in parlamento Angliae senatorem, ipsique plenam et omnimodam dedisset potestatem ineundi quemcunque tractatum in hunc finem necessarium: necnon Serenissimi Potentissimique dominus Carolus rex Hispaniarum, etc. et regina domina Maria Anna Austriaca ipsius parens, tutrix, et curatrix, regnorumque ejus ac ditionum gubernatrix, ut tam sanctum opus promoveretur, plenipotentiarium quoque suum deputasset excellentissimum virum dominum Gasparem de Bracamonte et Guzman, comitem Peñarandae, consiliarium status et praesidem Indiarum, qui cum supradicto domino Guilielmo Godolphin ablegato extraordinario de iis ageret, tractaret, et concluderet: Tandem ab utraque parte in subsequentis tractatus articulos conventum est, virtute suarum respective commissionum, quarum copiae hic inseruntur.

. . . . . .

1. Concordatum imprimis est inter alte memoratos plenipotentiarios dominum Comitem de Peñaranda, et dominum Guilielmum Godolphin, nominibus Serenissimorum respective Regum dominorum suorum, uti tractatus pacis et amicitiae inter coronas Hispaniae et Magnae Britanniae Matriti initus decimo/vigesimo tertio die Maii anno domini millesimo sexcentesimo sexagessimo septimo, ullave ejus capita per praesentes articulos et conventiones nequaquam sublata censeantur vel antiquata, sed ut ea perpetuo maneant in pristino suo robore, firmitate, ac vigore, quatenus non sint contraria aut repugnantia praesenti tractatui aut articulorum alicui in eodem contento.

2. Pax sit universalis, sincera atque vera amicitia, tam in America quam in caeteris mundi partibus, inter Serenissimos Hispaniarum et Magnae Britanniae reges, eorumque haeredes et sucessores, necnon inter regna, status, colonias, fortalitia, civitates, praefecturas, insulas, sine distinctione locorum sub utriusque ditione positas, earumque populos et incolas, quae ab hoc die in perpetuum durabit, et tam terra quam mari atque ubivis aquarum sancte observabitur, ita ut alter alterius commoda ac utilitates promoveat, populique sibi invicem studiis mutuis ac honesto affectu auxilio sint et faveant, omnique ex parte in remotis illis regionibus (uti in propinquioribus) fida vicinitas et secura pacis atque amicitiae cultura crescat in dies et augeatur.

3. Item uti in futurum omnes inimicitiae, hostilitates, et discordiae inter praedictos dominos reges eorumque subditos et incolas cessent et aboleantur: et utraque pars ab omni direptione, depraedatione, laesione, injuriisque ac infestatione qualicumque, tam terra quam mari et aquis dulcibus ubivis gentium, temperet prorsus et abstineat.

4. Item ut iidem Serenissimi Reges subditos suos ab omni vi et injuria abstinere curent, revocentque quascunque commissiones ac literas, tam represaliarum seu de marca, quam facultatem praedandi in Occidentali India continentes cujuscumque generis aut conditionis sint, in praejudicium alterius aut subditorum ejus, subditis suis aut incolis sive extraneis datas et concessas, easque nullas, cassas, et irritas declarent ut hoc pacis tractatu nullae, cassae, et irritae declarantur, et quicunque contravenerint, puniantur, ac praeter inflictam criminalem poenam subditis laesis et id requirentibus illata damna resarcire compellantur.

5. Renuntiabuntque praeterea, prout tenore praesentium dicti reges ac quilibet eorum renuntiavit et renuntiat cuicumque ligae, confoederationi, capitulationi, et intelligentiae in praejudicium unius vel alterius quomodolibet factae, quae praesenti paci et concordiae omnibusque et singulis in ea contentis repugnat vel repugnare possit, easque omnes et singulas quoad effectum praedictum cassabunt et annullabunt nulliusque momenti declarabunt.

6. Captivi utrinque ad unum omnes, cujuscumque ordinis aut sortis sint, qui ratione hostilitatis cujusvis in America dudum commissae detinentur, absque lytro aut alio ullo redemptionis pretio, sine mora dimittantur.

7. Omnes offensae, dispendia, damna, injuriae, quae gentes Hispana et Anglicana altrinsecus quibuscunque retro temporibus, qualicunque de causa aut praetextu, alia ab altera pertulerunt in America, ea oblivioni tradantur et e memoria eradantur plane ac si nullae unquam intercessissent. Conventum praeterea est quod Serenissimus Magnae Britanniae Rex, haeredes et successores ejus, cum plenario jure summi imperii, proprietatis, et possessionis, terras omnes, regiones, insulas, colonias, ac dominia in Occidentali India aut quavis parte Americae sita habebunt, tenebunt, et possidebunt in perpetuum quaecunque dictus Magnae Britanniae Rex et subditi ejus impraesentiarum tenent ac possident, ita ut eo nomine aut quacunque sub praetensione nihil unquam amplius urgeri, nihilque controversiarum in posterum moveri possit aut debeat.

8. Subditi et incolae, mercatores, navarchae, naucleri, nautae, regnorum, provinciarum, terrarumque utriusque regis respective abstinebunt cavebuntque sibi a commerciis et navigatione in portus ac loca fortalitiis, stabulis mercimoniorum, vel castellis instructa, aliaque omnia quae ab una vel ab altera parte occupantur in Occidentali India: nimirum Regis Magnae Britanniae subditi negotiationem non dirigent, navigationem non instituent, mercaturam non facient in portubus locisve quae Rex Catholicus in dicta India tenet, neque vicissim Regis Hispaniarum subditi in ea loca navigationes instituent aut commercia exercebunt quae ibidem a Rege Magnae Britanniae possidentur.

9. Si vero tractu temporis visum fuerit alterutri regum licentiam aliquem generalem vel spetialem aut privilegia concedere alterius subditis navigationum instituendi et commercium habendi in quibusvis locis suae ditionis, qui dictas licentias et privilegia concesserit, dicta navigatio et commercium exercebuntur et manu tenebuntur juxta ac secundum formam, tenorem, et effectum permissionum aut privilegiorum quae indulgeri poterint, quorum securitati praesens tractatus ejusdemque ratihabitio inserviet.

10. Item concordatum est, quod si alterutrius confoederatorum subditi et incolae cum navibus suis (sive bellicae sint et publicae, sive onerariae ac privatae) procellis abrepti fuerint, vel persequentibus pyratis inimicis ac hostibus aut alio quovis incommodo cogantur se ad portum quaerendum in alterius foederati flumina, sinus, aestuaria, ac stationes recipere, vel ad littora quaecunque in America appellere, benigne omnique humanitate ibidem excipiantur, amica gaudeant protectione, et benevolentia tractentur. Nullo autem modo impediantur quo minus integrum omnino habeant reficere se, victualia etiam et omne genus commeatum, sive vitae sustinendae sive navibus reparandis et itineri faciendo necessarium, aequo et consueto pretio comparare. Nulla quoque ratione prohibeantur ex portu et statione vicissim solvere ac egredi, quin ipsis licitum sit pro libitu migrare loco libereque discedere quandocunque et quocunque visum fuerit, absque ulla molestatione aut impedimento.

11. Pari ratione si naves alterutrius confoederati ejusdemque subditorum ac incolarum ad oras aut in ditionibus quibuscunque alterius impegerint, jactum fecerint, vel (quod Deus avertat) naufragium aut damnum quodcunque passae

fuerint, ejectos aut detrimenta passos in vincula aut servitutem abducere nefas esto, quin periclitantibus aut naufragis benevole ac amicissime subveniatur atque auxilium feratur, literaeque illis salvi conductus exhibeantur, quibus inde tuto et absque molestia exire et ad suam quisque patriam redire valeat.

12. Quando autem alterutrius naves (uti supradictum est) maris periculo aliave cogente ratione compulsae in alterius portus adigantur, si tres quatuorve fuerint, justamque suspitionis occassionem praebere poterint adventus istiusmodi causa, gubernatori vel primario loci magistratui statim exponetur, nec diutius ibi mora trahetur quam quae illis a dicto gubernatore aut praefecto permissa, et victui comparando, navibusque tum resarciendis tum instruendis commoda atque aequa fuerit; cautum vero semper sit ut onus non distrahant, neque mercium aut sarcinarum aliquid e navibus efferant et vendi exponant, nec etiam mercimonia ab altera parte in naves receperint aut quicquam egerint contra hoc foedus.

13. Utraque pars vere ac firmiter observabit atque executioni mandabit praesentem tractatum, omniaque et singula in eodem contenta et comprehensa, atque a suis quaeque subditis ac incolis observari et praestari efficaciter curabit.

14. Nulla privata injuria amicitiam hanc pactumque ullo modo infirmabit, neque odium aut dissidia inter praedictas nationes suscitabit, sed quilibet de facto suo proprio respondebit deque eo tenebitur, neque per represalias aut alios hujusmodi odiosos processus alter id luet, in quo alter deliquit nisi justicia denegabitur aut plus justo deferetur; in quo casu regi illi cujus subditus damnum et injuriam passus est licitum erit juxta juris gentium leges et prescripta omni modo procedere, donec facta fuerit laeso reparatio.

15. Praesens tractatus nihil derogabit preeminentiae, juri, ac dominio cuicunque alterutrius confoederatorum in maribus Americanis, fretis, atque aquis quibuscunque, sed habeant retineantque sibi eadem pari amplitudine quae illis jure competit; intellectum autem semper esto libertatem navigandi neutiquam interrumpi debere, modo nihil adversus genuinum horum articulorum sensum committatur vel peccetur.

16. Denique pacti hujus ac foederis solennes ac rite confectae ratihabitiones intra quatuor menses ab hoc die utrinque exhibeantur et reciproce commutentur, atque intra octo mensium spatium a dicta commutatione instrumentorum computandum, aut citius si fieri poterit, per omnia utriusque confoederati regna, status, dominia, et insulas, ubi convenerit, tam in Occidentali India quam alibi, publicentur.

In quorum omnium et singulorum fidem nos supra memorati plenipotentiarii praesentem tractatum manibus nostris et sigillis mutuis subsignavimus et munivimus. Matriti decimo octavo die mensis Julii, anno domini millesimo sexcentessimo septuagesimo. El Conde de Peñaranda. D. Guilielmus Godolphin.

Quem tractatum superius exaratum et insertum nobis a prefato commissario ac plenipotentiario nostro exhibitum, post quam visus et in consilio nostro mature examinatus esset, pro nobis et Serenissimo Hispaniarum, etc., Rege Carolo Secundo, filio nostro charissimo, proque haeredibus et successoribus ejus, necnon vassallis, subditis, et incolis regnorum, ditionum, ac dominiorum nostrorum, et totum ejus contentum, et quodcunque ejus punctum separatim, ut bonum, firmum, et stabilem acceptavimus, approbavimus, et ratificavimus, et per praesentes acceptamus, approbamus, et ratificamus, spondentes verbo ac fide regia et dicti Serenissimi Regis filii nostri nomine locoque, necnon haeredum ac successorum ejus, dictum nos tractatum juxta formam et tenorem suum constanter ac inviolabiliter observaturos et perfecturos, atque ut observetur et

perficiatur curaturos esse, eo modo ac si eundem in propria persona nostra tractassemus, neque ulla quacunque tandem ratione sive directa sive indirecta contraventuros, neque ut ab aliis contraveniatur permissuros esse, cum obstrictione in eum finem atque obligatione dicti Serenissimi Regis Catholici filii nostri charissimi, atque haeredum, successorum posterorumque ejus, quin etiam omnium et singulorum regnorum, regionum, et dominiorum nostrorum, nullis exceptis, ut et omnium aliorum bonorum nostrorum, praesentium et futurorum. Quo autem supradicta obligatio eo magis confirmetur, legibus, consuetudinibus, et exceptionibus quibuscunque contrafacientibus vel adversantibus renunciamus. In eorum autem omnium quae supra dicta sunt fidem et testimonium jussimus expediri praesentes literas propria nostra manu subscriptas ac sigillo nostro secreto munitas, manuque secretarii nostri status subsignatas octavo die mensis Octobris, anno Domini millesimo sexcentesimo septuagessimo.

Yo la Reyna.

Don Diego de la Torre.

Translation.

We, Charles the Second, by the grace of God king of Spain, etc., and the most Serene Queen, Maria Anna of Austria, etc., make known by our present letters of approval, ratification, and confirmation, that, on the eighteenth day of July of the present year, 1670, at Madrid, there was made, entered into, and concluded between us, the aforesaid Most Serene and Most Potent King and Queen of Spain on the one part, and the Most Serene and Most Potent Charles the Second, king of Great Britain, our dearest brother, kinsman, and friend, on the other part, a treaty for adjusting disputes, repressing depredations, and procuring peace in America, which is of the following tenor:

Whereas, for many years past, good understanding and friendly correspondence between the English and Spanish nations have been interrupted in America, and for the purpose of restoring both, and establishing them with fixed regulations for the future, the Most Serene and Most Potent lord Charles, king of Great Britain, etc., despatched into Spain his envoy extraordinary, Sir William Godolphin, knight, auditor of the treasury and of the royal revenues, and member of the English Parliament, with full and complete power to enter into any treaty necessary to this end; and likewise, in order to promote so holy a work, the Most Serene and Most Potent lord Charles, king of Spain, etc., and the Queen, Doña Maria Anna of Austria, his parent, guardian, and trustee, and governor of his kingdoms and lordships, also deputed their plenipotentiary, the most excellent Don Gaspar de Bracamonte and Guzman, count of Peñaranda, councillor of state and president of the Indies, to confer, treat, and conclude respecting these matters with the aforesaid Sir William Godolphin, envoy extraordinary—at length both parties agreed upon the articles of the following treaty, by virtue of their respective commissions, of which copies are here inserted.

. . . . . .

1. First, it is agreed between the aforesaid plenipotentiaries, the lord Count of Peñaranda and Sir William Godolphin, in the names of the Most Serene kings, their respective masters, that the treaty of peace and friendship adjusted between the crowns of Spain and of Great Britain at Madrid, on May 13/23, 1670, or any of its articles, shall in no wise be considered as annulled or abrogated by the present articles and conventions, but they shall retain their original force, stability, and vigor forever, in so far as they are not contrary or repugnant to the present treaty or to any of the articles therein contained.

2. There shall be a universal peace, and true and sincere amity, as well in America as in other parts of the world, between the Most Serene kings of Spain and Great Britain, their heirs and successors, and likewise between the kingdoms, states, colonies, forts, cities, provinces, and islands, without any distinction of places, under the jurisdiction of either, and between the peoples and inhabitants of their dominions. This peace and amity shall endure from this day forth and forever, and shall be religiously observed as well on land as on sea and in all waters, so that each shall promote the welfare and advantage of the other, and the peoples shall reciprocally favor and assist each other with mutual zeal and true affection, and in every respect in those remote regions (as in those nearer home) a faithful neighborliness and the secure observance of peace and amity shall daily increase and be augmented.

3. Also that for the future all enmities, hostilities, and dissensions between the aforesaid lord kings and their subjects and inhabitants shall cease and be abolished; and both parties shall wholly forbear and abstain from all pillage, depredation, hurt, and injury and any sort of molestation, as well by land as by sea or in fresh waters, in whatever part of the world.

4. Also that the said Most Serene kings shall take care that their subjects abstain from all violence and injury, and they shall revoke all commissions and letters containing powers either of reprisal or marque, or of making prizes in the West Indies, of whatever sort or condition they may be, to the prejudice of either king, or of their subjects, whether the commissions have been given and granted to their own subjects or inhabitants or to strangers; and they shall declare them null, void, and of no effect, as by this treaty of peace they are declared null, void, and of no effect. Whoever shall contravene this shall be punished, and in addition to the criminal penalty imposed, they shall be obliged to indemnify the injured subjects who demand it.

5. Moreover they will renounce, as by the tenor of these presents the said kings and each of them has renounced and does renounce, any league, confederacy, capitulation, and understanding, made in any way whatsoever to the prejudice of either, which is or may be repugnant to the present peace and agreement, and to all and singular therein contained. They shall annul, make void, and declare of no moment these agreements, all and singular, so far as necessary for the aforesaid purpose.

6. Prisoners on both sides, one and all, of whatsoever rank or condition they may be, detained on account of any act of hostility previously committed in America, shall be freed promptly, without paying ransom or any thing else for their release.

7. All offenses, losses, damages, and injuries which the English and Spanish nations have, for whatsoever cause or pretext, suffered from each other at any time past, in America, shall be buried in oblivion, and completely effaced from memory, as if they had never occurred. Moreover it is agreed that the Most Serene King of Great Britain, his heirs and successors, shall have, hold, and possess forever, with full right of sovereignty, ownership, and possession, all the lands, regions, islands, colonies, and dominions, situated in the West Indies or in any part of America, that the said King of Great Britain and his subjects at present hold and possess; so that neither on that account nor on any other pretext may or should anything ever be further urged, or any controversy begun in future.

8. Subjects and inhabitants, merchants, captains, skippers, and seamen of the kingdoms, provinces, and territories of either king respectively, shall abstain and forbear from trade and navigation to the ports and places provided with

forts, warehouses, or castles, and all others which either party occupies in the West Indies. Subjects of the King of Great Britain shall on no account direct their commerce or undertake navigation to the ports or places which the Catholic King holds in the said Indies, nor trade in them. Reciprocally, the subjects of the King of Spain shall not sail to or trade in the places that are possessed there by the King of Great Britain.

9. But if in the course of time either king shall deem it convenient to grant any general or special license or any privileges to the subjects of the other for navigating and trading in any places under the jurisdiction of the one who shall have granted the said licenses and privileges, the said navigation and commerce shall be practised and maintained according to the form, tenor, and effect of the permissions or privileges to be conferred, for whose authority the present treaty and its ratification will serve.

10. Also it is agreed that if the subjects and inhabitants of either confederate with their ships (whether warships and public, or merchant ships and private), shall be driven by storm or forced by pursuit of hostile pirates and enemies or by any other misfortune to betake themselves for refuge into the rivers, bays, estuaries, and stations of the other confederate, or to land upon any coasts in America, they shall be received there kindly and with entire humanity, they shall enjoy friendly protection and shall be treated with benevolence. Moreover, they shall not be hindered in any way from refitting entirely, and likewise from buying at a just and usual price victuals and all kinds of supplies necessary for the support of life, the repair of ships, and the continuation of their voyage. Moreover, they shall not be in any way prevented, on the other hand, from setting sail and leaving the port and roadstead; but they shall be allowed to go away at will, and freely depart whenever and wherever they please, without any molestation or hindrance.

11. Likewise, if the ships of either ally, his subjects and inhabitants, run aground, are cast away, or (which God forbid) suffer shipwreck or damage upon the coasts or in any dominions of the other, it is forbidden to take prisoner or confine the persons cast on shore or suffering harm; but on the contrary, benevolent and friendly assistance and relief shall be rendered those who are in peril or shipwrecked, and they shall be given letters of safe conduct, in order that they may depart thence safe and unmolested, and each return to his own country.

12. But when ships of either ally (as is aforesaid), compelled by any peril of sea, or other urgent necessity, shall be driven into the ports of the other, if there be three or four, and they give just ground for suspicion, the reason for their coming shall be immediately given to the governor or chief magistrate of the place, and they shall stay there no longer than the said governor or chief magistrate shall permit, and than shall be right and suitable for the purchase of provisions and repair and equipment of ships. And they shall always refrain from unloading any cargo or carrying out of their ships any goods or packs and exposing them for sale, and from receiving merchandise from the other party on board their ships, or from doing anything contrary to this treaty.

13. Both parties shall sincerely and constantly observe and execute this present treaty, and all and every the matters therein contained and comprehended, and shall cause the same to be observed and performed by their respective subjects and inhabitants.

14. No private offense shall in any way weaken this friendship and alliance, nor stir up ill-will or dissensions between the aforesaid nations, but every one shall be obliged to answer for his own deed; nor by reprisals or other such

odious proceedings shall one man compensate for the transgression of another, unless justice be denied or unjustly delayed. In that case, the king whose subject has suffered loss and injury may permissibly take any course in accordance with the rules and methods of the law of nations, until reparation be made to the injured party.

15. The present treaty shall detract nothing from any pre-eminence, right, or dominion of either ally in the American seas, straits, and other waters; but they shall have and retain them in as ample a manner as is their rightful due. Moreover, it is always to be understood that the freedom of navigation ought by no means to be interrupted, provided nothing be committed or done contrary to the genuine meaning of these articles.

16. Finally, solemn ratifications of this treaty and alliance, made in due form, shall be presented on both sides and reciprocally exchanged within four months from this day; and within the space of eight months, to be reckoned from the said exchange of the instruments (or sooner, if possible), the ratifications shall be published in all convenient places throughout all the kingdoms, states, dominions, and islands of either confederate, both in the West Indies and elsewhere.

In testimony of all and singular the contents hereof, we, the above-mentioned plenipotentiaries, have signed and sealed the present treaty with our respective signatures and seals. At Madrid, on the eighteenth day of the month of July, in the year of the Lord 1670.

The Count of Peñaranda. William Godolphin.

This treaty, written and inserted above, having been exhibited to us by our aforementioned commissioner and plenipotentiary, after it had been viewed and maturely examined in our council, we have accepted, approved, and ratified, and by these presents we do accept, approve, and ratify, with all its contents and each separate part thereof, as good, firm, and stable, for us and for the Most Serene King of Spain, etc., Charles the Second, our very dear son, and for his heirs and successors, and also for the vassals, subjects, and inhabitants of our kingdoms, provinces, and dominions, promising on our word and royal faith, and in the name and place of the said Most Serene king our son, and of his heirs and successors, that we will observe and execute the said treaty, constantly and inviolably, according to its form and tenor, and we will cause it to be observed and executed, in the same manner as if we had negotiated it in our own person, nor shall we contravene it, in any way whatsoever, directly or indirectly, nor permit it to be contravened by others, binding and obliging for that purpose the said Most Serene Catholic king, our very dear son, and his heirs, successors, and descendants, as well as all and singular our kingdoms, provinces, and seignories, without any exception, together with all the rest of our goods, present and future. And in order that the aforesaid obligation may be the better confirmed, we renounce laws, customs, and all exceptions, opposed or contrary thereto. And in faith and testimony of all the aforesaid, we have ordered these present letters to be drawn up, signed by our own hand, and sealed with our privy seal, and undersigned by the hand of our secretary of state. Given at Madrid, on the eighth day of October, in the year of our Lord 1670.

I, the Queen.

Don Diego de la Torre.

66.

Treaty of alliance and commerce between Great Britain and Denmark, concluded at Copenhagen, July 11, 1670, O. S. Ratification by Denmark, August 11, 1670.

Introduction.

In June, 1669, Count Ulrik Frederik Gyldenlöve, illegitimate son of the reigning King of Denmark (Frederik III.), viceroy of Norway, and, according to the British ambassador at Copenhagen, the finest gentleman in Denmark, arrived in London for the purpose of establishing better relations and negotiating a treaty of commerce and alliance between the two crowns.[1]

His chief political aim was to separate Great Britain from Sweden;[2] his main commercial object, to alter the provisions of the treaty of 1661;[3] in particular to change the definition of contraband, and to add new stipulations regarding importation into either country and access to the Danish colonies.[4] The British commissioners[5] accepted some, but not all, of his proposals,[6] and signed the treaty on November 29, 1669.[7]

Gyldenlöve was on his way to Denmark with this instrument when Frederik III. ordered him to return to London to have it altered.[8] But no sooner had the Danish ambassador reached England, than he learned of the death of his master, which had occured on February 9, 1670.[9] He therefore hurried back to Copenhagen, where after the arrival in June of the representative of the

[1] Denmark had joined the United Provinces and France in their war against England in 1666, but had signed a treaty of peace with England on July 21/31, 1667. See above, pp. 120, 121. A translation of the peace treaty is in G. Chalmers, *Collection of Treaties between Great Britain and other Powers*, I. 74-78. For the date of Gyldenlöve's arrival in England, see *Cal. St. Pap. Dom.*, 1668-1669, p. 378.

[2] J. Steenstrup *et al.*, *Danmarks Riges Historie* (1896-), IV. 524.

[3] The treaty of 1661 is in Dumont, *Corps Diplomatique*, tom. VI., pt. II., pp. 346-348; translation in Hertslet, *Collection of Treaties*, I. 179-186.

[4] P. R. O., St. Pap. For., Holland, no. 18; Foreign Entry Book, no. 176.

[5] The commissioners were appointed on Aug. 26/Sept. 5, 1669. They are named in the preamble of the treaty.

[6] The Danish ambassador's *projet* is in P. R. O., St. Pap. For., Treaty Papers, no. 3. The articles of most interest to us are the following: (2) license required for prohibited ports and plantations; (3) wares of Danish growth or brought on the Elbe or Baltic free for England. From England all commodities but wine, salt, and tobacco were to be prohibited. The British commissioners wished to restore the alliance and base the commercial articles on the treaties concluded but not ratified between England and Denmark in 1665 (*ibid.*). For the treaties of 1665, see H. L. Schoolcraft, "England and Denmark, 1660-1667", in *Eng. Hist. Rev.*, XXV. 462-478.

[7] The text of the treaty signed on this date is printed in Dumont, *op. cit.*, tom. VII., pt. I., pp. 126-130.

[8] *Danske Samlinger for Historie*, second ser., III. 35, 58. Gyldenlöve's recredentials are in P. R. O., Foreign Entry Books, 175.

[9] *Cal. St. Pap. Dom.*, 1670, Add. 1660-1670 (1895), pp. 85, 87, 90, 95.

British government, Arthur Capel, earl of Essex,[10] the treaty was concluded on July 11, 1670.

The articles of this treaty are practically identical with those of the instrument signed nine months before. They are of interest as revealing the Danish government's intention to imitate Great Britain's general policy indicated in the Navigation Acts as well as in various treaties and elsewhere, to exclude foreigners from her colonies, and to restrict imports by foreigners into her other dominions to commodities produced in the territories of the ruler to whom the importer owed allegiance.

For two years preceding the conclusion of this treaty, as well as subsequently, the Danish government was interested in encouraging its merchants to engage in distant trade.[11] In November, 1670, the Danish East India Company was founded, and in March, 1671, the Danish West India Company received its charter, which permitted it to enjoy possession of the island of St. Thomas in the West Indies, and of other islands in the vicinity.[12] In connection with the provision of the treaty that British subjects should not come to the colonies of Denmark without special license from the Danish king, it is interesting to note that the charter of the Danish West India Company provided that " so long as the Company exists, none other than it, neither his Majesty's own subjects nor foreigners, shall receive any passports or permission to trade with the West Indies in any fashion whatever, upon penalty of confiscation of ships and goods ".

Bibliography.

Text: MS. The original manuscript of the ratification by the King of Denmark, Aug. 11, 1670, is in the P. R. O., St. Pap. For., Treaties, no. 35.

Text: Printed. L. Laursen, *Danmark-Norges Traktater, 1523-1750,* VI. 317-334.

Translations: English. G. Chalmers, *A Collection of Treaties* (1790), I. 73-97; L. Hertslet, *Complete Collection of Treaties* (1840-), I. 186-201. **French.** Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 132-137.

References: Contemporary and early writings. C. F. Allen, " Bidrag til Danmarks Historie under Christian V., samlede fra Udenlandske Arkiver ", in *Danske Samlinger for Historie, Topografi, Personal og Literaturhistorie,* second ser., III. (1873-1874) 35, 58.

References: Later writings. L. Laursen, *loc. cit.*; C. F. Bricka, *Dansk Biografisk Lexikon* (1887-1905), VI. 351, 352 (art. on U. F. Guldenlove); W. Westergaard, *The Danish West Indies under Company Rule, 1671-1754* (1917), pp. 24-27.

[10] *Cal. St. Pap. Dom.*, 1670, Add. 1660-1670 (1895), pp. 165, 185, 332.

[11] See W. Westergaard, *The Danish West Indies under Company Rule, 1671-1754* (1917), pp. 21-23, 31 ff. In Frederick Third's last years the government expressed its sorrow over the fact that Denmark and Norway had neglected navigation in the Western seas. Edict of July 23, 1669, referred to in E. Holm, *Danmark-Norges Indre Historie fra 1660 til 1720,* vol. I. (1885), p. 222.

[12] The substance of the charter of the Danish West India Company is given in Westergaard, *op. cit.*, pp. 294-298.

TEXT.[13]

Nos Christianus Quintus, Dei gratia rex Daniae, Norvegiae, Wandalorum, Gothorumque, dux Slesvici, Holsatiae, Stormariae, ac Dithmarsiae, comes in Oldenborg et Delmenhorst, Notum facimus universis ac singulis inter nos ab una et Serenissimum ac Potentissimum principem dominum Carolum Secundum, eadem gratia Magnae Britanniae, Franciae, et Hiberniae regem, Fidei Defensorem, fratrem, cognatum, et amicum nostrum charissimum ab altera parte, certa pacta capitaque foederis a perdilectis et fidelibus nostris consiliariis summo rei bellicae praefecto nostro Johanne Scackio, domino de Mögeltönder et Gram, equite Ordinis Elephantini, consiliario nostro intimo, collegii militaris praeside, collegii status supremique tribunalis assessore, legionis equestris ac pedestris tribuno, praefecturae Ripensis gubernatore; magno nostro cancellario Petro Reedtz, domino de Turebye, Paldstrup, etc., equite Ordinis Elephantini, consiliario nostro intimo, collegii cancellariae praeside, collegii status et supremi tribunalis assessore, Hadelandiae, Romerigae, Buscherudae, et Ringerigae gubernatore; magno nostro admiralio Henrico Bielcke, domino de Ellinggaard, equite Ordinis Elephantini, consiliario nostro intimo, collegii admiralitatis praeside, collegii status et supremi tribunalis assessore, Islandiaeque gubernatore; pro rege nostro Norvegiae et ibidem generali militiae praefecto Uldarico Friderico Guldenlowio, domino de Calloe, equite Ordinis Elephantini, consiliario nostro intimo, collegii status et supremi tribunalis assessore, praefecturae Aggershusiensis eique subjectarum ditionum gubernatore; uti et vice-cancellario nostro Christophoro Parsberg, domnio de Iongshofvet, consiliario nostro intimo, collegii cancellariae vice-praeside, collegii status et supremi tribunalis assessore, et cancellariae nostrae consiliario; Petro Schumachero, primario nostro et intimo camerae nostrae secretario, collegii status et supremi tribunalis assessore, specialiter ad hoc delegatis et sufficienti a nobis potestate instructis, uti et ab illustrissimo Arthuro Essexiae comite, vice comite Camoloduni, barone Capel de Hadham, statae militiae praefecto et locum tenente regis in provinciis Wiltoniae et Hertfordiae, praedicti Serenissimi Regis Magnae Britanniae legato extraordinario eam ob rem huc ad nos misso, exhibitis hinc inde mandatae commissionis plenaeque potestatis literis, maturo ac deliberato consilio parique animorum consensu votoque conclusa prorsus uti hic inserta ac descripta leguntur.

Quandoquidem Serenissimus ac Potentissimus princeps ac dominus, dominus Carolus Secundus, Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etc., legatum suum extraordinarium illustrissimum dominum Arthurum Essexiae comitem, vice-comitem Camaloduni, baronem Capel de Hadham, statae militiae praefectum et locum tenentem regium in provinciis Wiltoniae et Hertfordiae, etc., ad Serenissimum ac Potentissimum principem ac dominum dominum Christianum Quintum, Dei gratia regem Daniae, Norvegiae, Wandalorum, Gothorumque, ducem Slesvici, Holsatiae, Stormariae, ac Dithmersiae, comitem in Oldenborg et Delmenhorst, dominum nostrum clementissimum ablegavit, ut non solum Sacrae Majestati Daniae et Norvegiae fausta et auspicata regni primordia optaret, devolutosque ad praedictum Serenissimum Daniae et Norvegiae regem, haereditario jure, regni fasces ac sceptri diadematisque honorem gratularetur, sed et inprimis ut pristina inter potentissima Daniae, Norvegiae, Magnaeque Britanniae regna foedera pactaque et jacta nuper arctioris inter reges amicitiae fundamenta inchoatosque ab illustre Norwegiae pro rege domino Uldarico Friderico Guldenlowio, etc., solaque divi

[13] The text is from the original manuscript of the ratification by the King of Denmark, preserved in the P. R. O., St. Pap. For., Treaties, no. 35.

Friderici Tertii morte et acerbo funere interpellatos tractatus perficeret consummaretque, Sacra Regia Majestas Daniae et Norvegiae nobis delegatis ac commissariis suis summo rei bellicae praefecto suo Iohanni Sexackio, domino de Mogeltonder et Gram, equiti Ordinis Elephantini, consiliario suo intimo, collegii militaris praesidi, collegii status supremique tribunalis assessori, legionis equestris ac pedestris tribuno, praefecturae Ripensis gubernatori, magno suo cancellario Petro Reedtz domino de Turebye, Paldstrup, etc., equiti Ordinis Elephantini, consiliario suo intimo, collegii cancellariae praesidi, collegii status et supremi tribunalis assessori, Hadelandiae, Romerigae, Busckerudae, et Ringerigae gubernatori; magno suo admiralio Henrico Bielche, domino de Ellinggaard, equite Ordinis Elephantini, consiliario suo intimo, collegii admiralitatis praesidi, collegii status et supremi tribunalis assessori, Islandiaeque gubernatori; pro rege suo Norwegiae et ibidem generali militiae praefecto, Uldarico Friderico Guldenlowio, domino de Calloë, equiti Ordinis Elephantini, consiliario suo intimo, collegii status et supremi tribunalis assessori, praefecturae Aggershusiensis eique subjectarum ditionum gubernatori; uti et vice cancellario suo Christophoro Parsberg domino de Iongshofvet, consiliario suo intimo, collegii cancellariae vice praesidi, collegii status et supremi tribunalis assessori, et cancellariae suae consiliario, Petro Schumachero, primario suo et intimo camerae suae secretario, collegii status et supremi tribunalis assessori, plenaque ad id potestate instructis in mandatis dedit, ut cum praedicto Magnae Britanniae Regis legato extraordinario conveniremus et concluderemus, quod e re communi stabiliendaeque inter utrosque reges amicitiae consentaneum aptissimumque arbitraremur, Unde post varios congressus habitaque ultro citroque colloquia in haec demum pacta capitulaque foederis et subsequentes articulos (prorsus sicut jam antea a praedicto pro rege Norwegiae domino Uldarico Friderico Guldenlowio in Anglia cum Serenissimi Magnae Britanniae Regis commissariis conclusi fuerant) mutua animorum conspiratione consensimus, videlicet:

1. Sit inter ambos Serenissimos reges eorumque haeredes et successores, nec non regna, principatus, provincias, ditiones, comitatus, insulas, civitates, subditos, et vasalos, cujuscunque conditionis, dignitatis, et gradus illi fuerint, terra marique, in fluminibus, aquis dulcibus, et ubivis locorum tam in Europa quam extra Europam, nunc et in futurum, sincera, vera, et perfecta amicitia, pax, et confoederatio, ita ut neque alter alterius regnis, principatibus, provinciis, et ditionibus, hominibusve et subditis ullum detrimentum, damnum, vel incommodum inferat neque hoc ab aliis, quantum in se erit, fieri permittat, sed potius se invicem sincera amicitia, benevolentia, et amore prosequantur, atque alter alterius ut et subditorum ejus utilitatem et rationes tanquam proprias, omni tempore promoveat, damna autem, laesiones, et injurias, facto et consiliis, cunctis viribus prohibeat et avertat.

. . . . . .

4. Conventum praeterea et concordatum est, quod si ullo unquam tempore aliquis princeps vel status Serenissimi Regis Daniae et Norvegiae, etc., regna haereditaria, provincias, comitatus, oppida, insulas, territoria, aut dominia quae jam possidet invaserit, vel quovismodo hostiliter aggressus fuerit, tunc Serenissimus Rex Magnae Britanniae talem terrestrium copiarum atque bellicarum navium numerum Serenissimo Regi Daniae et Norwegiae, etc., contra ejusmodi aggressorem auxilio in tempore suppeditabit, qualis ad depellendam vim suffecerit, ejusdemque rerum status postulaverit, qua ratione Serenissimus Rex Magnae Britanniae, etc., omnibus suis viribus impeditum ibit, ne per ejusmodi invasionem vel turbationem Serenissimo Regi Daniae et Norwegiae, etc., quicquam de regnis, dominiis, aut juribus suis decedat, et si dictus Serenis-

simus Rex Daniae et Norvegiae, etc., dictusve Serenissimus Rex Magnae Britanniae, etc., ullum foedus, amicitiam, confoederationem, aut necessitudinem, cum aliis quibuscumque regibus, principibus, rebuspublicis, aut statibus contrahent, aut paciscentur, alter una alterum ejusque dominia in iis (quantum in ipso fuerit) comprehendere conabitur, so comprehendi voluerit.

5. Utriusque regis subditis liberum erit alterius regna et provincias, emporia, portus, et flumina cum mercibus suis, tam terra quam mari, tempore pacis absque licentia aut salvo conducto generali vel speciali adire, ubique versari ac negotiari, dummodo vectigalia consueta pendant, salva tamen utriusque regis superioritate ac jure in regnis, provinciis, principatibus, atque territoriis respective suis.

6. Conventum tamen et conclusum est quod subditi Serenissimi Magnae Britanniae Regis ad portus prohibitos, quorum in praecedentibus foederibus mentio sit, neque colonias absque speciali licentia Regis Daniae et Norvegiae etc. petita et obtenta nullatenus accedant, nisi evidens maris periculum aut tempestatum impulsus, vel piratae insequentes, accedere vel intrare coëgerint, ubi tunc minime ipsis mercandizare licebit, quemadmodum invicem nec subditi Serenissimi Regis Daniae et Norwegiae etc. ad colonias Britannicas accedere debent, nisi speciali licentia Serenissimi Regis Magnae Britanniae petita et obtenta.[14]

7. Serenissimi Regis Daniae et Norwegiae etc. subditis in cellas et reconditoria sua in Anglia, Scotia, et Hibernia et reliquos Magnae Britanniae etc. Regis portus in Europa tales merces importare licebit quas ditiones, regiones, et dominia, Serenissimo Regi Daniae et Norvegiae etc. subjecta, nunc vel in posterum ferre et producere poterunt et quae ibi fabricatae erunt itemque ex universo Fluvio Albi provenientes;[15] subditis etiam Magnae Britanniae etc. Regis vicissim fas erit, in Daniam, Norvegiam, omnesque alios portus et colonias non prohibitas Serenissimi Regis Daniae et Norwegiae etc. omnis generis mercimonia importare et afferre, quae nunc vel in posterum in regnis, ditionibus, et dominiis Serenissimo Regi Magnae Britanniae etc. subjectis producta et fabricata erunt; si vero deinceps aliis peregrinis nationibus permittatur omnis generis merces absque exceptione in Angliam, Scotiam, et Hiberniam aliosque Serenissimi Magnae Britanniae etc. Regis portus ferre et advehere, tunc illud ipsum Serenissimae Regiae Majestatis Daniae et Norwegiae etc. subditis etiam licitum erit, quod vicissim etiam Serenissimi Magnae Britanniae etc. Regis subditis in Serenissimi Regis Daniae et Norwegiae etc. portubus et coloniis prohibitis pariter concessum erit.

. . . . . .

28. Naves praesidiariae seu bellicae alterutrius partis, quascunque naves mercatorias vel alias quae ad alterum foederatum vel ejus subditos pertinuerint idemque iter fecerint in mari intra vel extra Europam obviam habentes aut assequentes, iis praesidio esse easque defendere tenebuntur quamdiu eundem cursum tenuerint.

. . . . . .

40. Item concordatum est, quod si gens Belgica vel alia quaecumque gens, (Suedica gente tantummodo excepta), aliqua meliora pacta, conventiones, exemptiones, sive privilegia quam ea quae in hoc tractatu continentur, a domino Rege Daniae et Norwegiae etc. hactenus obtinuit vel in futurum obtinebit,

[14] The treaty of 1654 (Doc. **46**) included a similar provision in regard to the British colonies. The treaty of February, 1661, lacked this provision.

[15] This modification of the Navigation Act, allowing the Danes to import products brought down the river Elbe, resembles the concession granted to the Dutch by a separate article of the treaty of Breda. See above, p. 122.

quod eadem talia et consimilia domino Regi Magnae Britanniae etc. et subditis suis communicentur, et cum effectu concedantur libere et cum omni plenitudine, et e contra si gens Belgica vel alia quaecumque gens aliqua meliora pacta, conventiones, exemptiones sive privilegia, quam ea quae in hoc tractatu continentur, a domino Rege Magnae Britanniae etc. obtinuit vel in futurum obtinebit, quod eadem talia et consimilia domino Regi Daniae et Norvegiae etc. et subditis suis communicentur, et cum effectu concedantur, libere et cum omni plenitudine.

. . . . . .

In quorum omnium fidem omnia et singula ut supra sunt contenta manibus nostris subscripsimus sigillisque munivimus. Dabantur Hafniae die undecimo Julii anno Domini millesimo sexcentesimo septuagesimo.

[Here follow the powers of the Danish and of the British plenipotentiaries.]

Proinde omnia quae praedicti nostri commissarii virtute datae ipsis a nobis plenae potestatis egerunt, tractaverunt, concluserunt prorsus uti jam heic inserta descriptaque extant, firma rataque habemus, plenumque foederi huic robur addimus, recipientes in nos verboquè regio promittentes pro nobis ac haeredibus successoribus nostris nos quaecunque heic stipulata regia et inviolabili fide servaturos et a nostris servari curaturos. In quorum omnium fidem praesentes manu nostra subscripta[s] magno nostro sigillo corroborari jussimus. Dabantur in arce nostra regia Hafniae die undecimo mensis Augusti anno Domini millesimo sexcentesimo septuagesimo, regni nostri primo.

CHRISTIAN.
ad mandatum Sacrae Regiae Majestatis proprium
P. SCHUMACHER.

TRANSLATION.

We, Christian the Fifth, by the grace of God king of Denmark, Norway, the Vandals and Goths, duke of Sleswick, Holstein, Stormarn, and Ditmarsh, count of Oldenburg and Delmenhorst, make known to all and singular that between us, on the one part, and the Most Serene and Most Potent prince, lord Charles the Second, by the same grace king of Great Britain, France, and Ireland, Defender of the Faith, and our most dear brother, kinsman, and friend, on the other part, certain stipulations and heads of a treaty have been concluded (after ripe consideration and discussion and by common desire and consent) by our well-beloved and faithful councillors, our commander-in-chief, Hans Schack, lord of Mögeltönder and Gram, knight of the Order of the Elephant, our privy councillor, president of the board of war, member of the council of state and of the highest court, commander of cavalry and infantry, governor of the *amt* of Ribe; our grand chancellor, Peder Reedtz, lord of Thureby and Paldstrup, etc., knight of the Order of the Elephant, our privy councillor, president of the board of the chancellery, member of the council of state and of the highest court, governor of Hadeland, Romerike, Buskerud, and Ringerike; our grand admiral, Henrik Bielke, lord of Elinggaard, knight of the Order of the Elephant, our privy councillor, president of the board of admiralty, member of the council of state and of the highest court, and governor of Iceland; our viceroy of Norway and commander of the general militia there, Ulrik Frederik Gyldenlöve, lord of Calloë, knight of the Order of the Elephant, our privy councillor, member of the council of state and of the highest court, governor of the *amt* of Akershus and of the districts subject thereto; as also our vice-chancellor, Kristoffer Parsberg, lord of Jungshoved, our privy councillor, vice-president of the board of the chancellery,

member of the council of state and of the highest court, and councillor of our chancellery; Peder Schumacher, our principal secretary and the secretary of our privy council, member of the council of state and of the highest court, especially delegated for this purpose and furnished by us with sufficient powers, as also by the illustrious Arthur, earl of Essex, viscount Malden, baron Capel of Hadham, commander in the army, and lord lieutenant in the counties of Wilts and Hertford, ambassador extraordinary of the aforesaid Most Serene King of Great Britain, sent hither to us for this purpose, [and] the commissions and full powers having been exhibited on both sides [the aforesaid articles] are found to be exactly as here inserted and described:

Whereas the Most Serene and Most Potent prince and lord, lord Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., has despatched his ambassador extraordinary, the illustrious lord Arthur, earl of Essex, viscount Malden, baron Capel of Hadham, commander in the army, and lord lieutenant in the counties of Wilts and Hertford, etc., to the Most Serene and Most Potent prince and lord, lord Christian the Fifth, by the grace of God king of Denmark, Norway, the Vandals and Goths, duke of Sleswick, Holstein, Stormarn, and Ditmarsh, count of Oldenburg and Delmenhorst, our most clement lord, in order not only to wish his Sacred Majesty of Denmark and Norway a favorable and auspicious beginning of his reign, and congratulate him on the office of kingship and the honor of the sceptre and crown, which have devolved upon the aforesaid Most Serene King of Denmark and Norway by hereditary right—but also, chiefly, in order that he might carry out and perfect the pristine leagues and covenants between the most powerful kingdoms of Denmark, Norway, and Great Britain, and the recently laid foundations of closer friendship between the kings, and the treaties only begun by the illustrious lord Ulrik Frederik Gyldenlöve, etc., for the King of Norway, and interrupted only by the death and sad funeral rites of the divine Frederik III.—his Sacred Royal Majesty of Denmark and Norway has provided us, his delegates and commissioners, Hans Schack, lord of Mögeltönder and Gram, knight of the Order of the Elephant, his privy councillor, president of the board of war, member of the council of state and of the highest court, commander of cavalry and infantry, governor of the *amt* of Ribe; his grand chancellor, Peder Reedtz, lord of Thureby and Paldstrup, etc., knight of the Order of the Elephant, his privy councillor, president of the board of the chancellery, member of the council of state and of the highest court, governor of Hadeland, Romerike, Buskerud, and Ringerike; his grand admiral, Henrik Bielke, lord of Elinggaard, knight of the Order of the Elephant, his privy councillor, president of the board of admiralty, member of the council of state and of the highest court, and governor of Iceland; his viceroy of Norway, and commander of the general militia there, Ulrik Frederik Gyldenlöve, lord of Calloë, knight of the Order of the Elephant, his privy councillor, member of the council of state and of the highest court, governor of the *amt* of Akershus and of the districts subject thereto; as also his vice-chancellor, Kristoffer Parsberg, lord of Jungshoved, his privy councillor, vice-president of the chancellery, member of the council of state and of the highest court, and councillor of his chancellery; Peder Schumacher, his principal secretary and the secretary of his privy council, member of the council of state and of the highest court, with instructions and full powers for this purpose, in order that we might agree and conclude with the aforesaid ambassador extraordinary of the King of Great Britain, what we might think consistent with the common interest and best adapted to establishing the friendship between both kings, Whence after various meet-

ings and conferences held on both sides, we have at length unanimously united on these compacts and points of a treaty and the following articles, precisely as they had been previously concluded in England with the commissioners of the Most Serene King of Great Britain by the aforesaid lord Ulrik Frederik Gyldenlöve, viceroy of Norway, to wit:

1. There shall be between the two Most Serene Kings and their heirs and successors, and also between their kingdoms, principalities, provinces, dominions, counties, islands, cities, subjects, and vassals, of whatever condition, dignity, and rank, by land and by sea, in rivers, fresh waters, and in all other places both within Europe and without Europe, now and in future, sincere, true, and perfect amity, peace, and confederacy, so that neither party do any injury, damage, or detriment to the kingdoms, principalities, provinces, and dominions, or to the people and subjects of the other, nor, so far as possible, shall they permit this to be done by others; but rather they will treat each other mutually with sincere friendship, benevolence, and love, and each shall promote on all occasions the advantages and interests of the other, and of his subjects as if they were his own, and also prevent and avert with all his power, by deed and counsel, damages, wrongs, and injuries.

. . . . . .

4. It is further covenanted and agreed that if ever at any time any prince or state shall invade the hereditary kingdoms, provinces, counties, towns, islands, territories, or dominions of the Most Serene King of Denmark and Norway, etc., which he now possesses, or in any way whatever shall attack them in a hostile manner, then the Most Serene King of Great Britain shall aid in time the Most Serene King of Denmark and Norway, etc., against such aggressor, with such a number of land forces and warships as shall suffice to repel the force, and as the state of the same king's affairs shall require; for which reason the Most Serene King of Great Britain, etc., shall use all his force, in order that through such invasion or disturbance the Most Serene King of Denmark and Norway etc., shall not suffer any loss in his kingdoms, dominions, or rights, and if the said Most Serene King of Denmark and Norway, etc., or the said Most Serene King of Great Britain, etc., shall contract or agree to any alliance, friendship, confederacy, or connection with any other kingdoms, princes, republics, or states whatsoever, each shall attempt to include the other and his dominions therein (so far as he can) if the other shall wish to be included.

5. The subjects of both kings shall be free to come to the kingdoms and provinces, market places, ports, and rivers of the other with their goods by both land and sea in time of peace, without licence or safe conduct, general or special, and to remain in any place therein and to trade, provided that they pay the usual imposts, but saving the superiority and right of both kings in their own respective kingdoms, provinces, principalities, and territories.

6. It is nevertheless agreed and concluded that the subjects of the Most Serene King of Great Britain shall in no wise come to the prohibited ports, mentioned in the earlier treaties, nor to the colonies, without seeking and obtaining special license from the King of Denmark and Norway, etc., unless compelled to make thither or enter therein by evident peril of sea or stress of weather, or pursuit by pirates, in which case they shall by no means be permitted to trade there. In like manner, the subjects of the Most Serene King of Denmark and Norway should not go to the British colonies without seeking and obtaining special license from the Most Serene King of Great Britain.

7. Subjects of the Most Serene King of Denmark and Norway, etc., shall be allowed to import into their storehouses and repositories in England, Scot-

land, and Ireland, and into the remaining ports of the King of Great Britain, etc., in Europe such goods as the districts, regions, and dominions, subject to the Most Serene King of Denmark and Norway, etc., now or in future can bear and produce and those which shall be manufactured there, and also such as come from any part of the river Elbe. On the other hand, the subjects of the King of Great Britain, etc., shall be permitted to import and carry into Denmark, Norway, and all other ports and colonies not prohibited and belonging to the Most Serene King of Denmark and Norway, etc., goods of all sorts, which now are or in future shall be produced or manufactured in the kingdoms, districts, and dominions, subject to the Most Serene King of Great Britain, etc., but if hereafter other foreign nations shall be allowed to bring and carry goods of all sorts without exception into England, Scotland, and Ireland and other ports of the Most Serene King of Great Britain, then this same privilege shall also be permitted to the subjects of his Most Serene Royal Majesty of Denmark and Norway, etc., which under like circumstances shall also be conceded in turn to the subjects of the Most Serene King of Great Britain, etc., in the prohibited ports and colonies of the Most Serene King of Denmark and Norway, etc.

. . . . . .

28. The convoying ships or warships of either party, meeting or overtaking any merchant ships or others, belonging to the other confederate or his subjects, and making the same course at sea within or without Europe, shall be bound to guard and defend them as long as they hold the same course.

. . . . . .

40. Furthermore it is agreed, that if the Dutch, or any other nation, with the sole exception of the Swedish nation, has already obtained or shall thereafter obtain, from the lord King of Denmark and Norway, etc., any more favorable agreements, conventions, exemptions, or privileges, than are contained in this treaty, the same and similar shall be shared by the lord King of Great Britain, etc., and his subjects, and granted to them effectually, freely, and in entire completeness; and on the other hand, if the Dutch or any other nation has obtained, or shall hereafter obtain, from the lord King of Great Britain, etc., any more favorable agreements, conventions, exemptions, or privileges, than are contained in this treaty, that the same and similar shall be shared by the lord King of Denmark and Norway, etc., and his subjects, and granted to them freely, effectively, and with entire completeness.

In pledge of all of which we have subscribed with our hands and secured with our seals all and singular, as contained above. Given at Copenhagen, on the seventeenth day of July, in the year of our Lord 1670.

[Here follow the powers of the Danish and the British plenipotentiaries.]

Therefore all that our aforesaid commissioners have done, treated, and concluded by virtue of the full powers given them by us, we regard as fixed and established, precisely as they are already inserted and described, and we add full support to this treaty, engaging and promising on our royal word, for ourselves and our heirs and successors, that we will observe what is stipulated with royal and inviolable faithfulness and will take care that it is observed. In pledge of all of which we have subscribed these presents with our hand and have ordered them to be strengthened by our great seal. Given in our royal castle at Copenhagen, on the eleventh day of August in the year of our Lord 1670, in the first year of our reign.

CHRISTIAN.

By command of his Sacred Royal Majesty,

P. SCHUMACHER.

67.

Treaty between Sweden and the United Netherlands, concluded at the Hague, April 22/May 2, 1673. Ratification by the United Netherlands, August 16, 1673.

Introduction.

After Louis XIV. had determined to attack the United Netherlands, he tried to detach Sweden, as well as England,[1] from the Triple Alliance, in order to secure her neutrality and even, if possible, her aid against the Dutch. As an ally in the approaching war, Sweden might be of the greatest use to either side, especially on account of her possessions south of the Baltic—Bremen, Verden, and Western Pomerania. As lord of these places, the King of Sweden had voices in the imperial diet, and opportunity to shape the policy of the Germanic states as potential allies of the first importance. From Bremen, moreover, Swedish troops could quickly move to the United Provinces or to the Spanish Netherlands.[2]

Therefore both the States General and the King of France sent representatives to Stockholm to court Sweden's friendship.

For a time Spanish subsidies held Sweden to the Triple Alliance;[3] but Spain did not keep up her payments, and Louis made attractive offers, promising "more money to Sweden for doing nothing, than the States would have been willing or able to give for maintaining a great army".[4] Moreover the French party at the Swedish court was very strong, and Sweden's ancient grudges against the Dutch government still rankled. On April 14, 1672, a Franco-Swedish alliance was concluded.[5] It provided that if France attacked the United Netherlands, and the Emperor, or any prince of the Empire, or the King of Spain aided the Dutch, Sweden should oppose these enemies and for this purpose put 1600 troops into Bremen and Pomerania, while France, on the other hand, would pay Sweden 600,000 crowns yearly during the war, and 400,000 crowns yearly in time of peace, for the duration of the treaty.

A few days before the conclusion of this agreement, France declared war on the United Provinces. England had already taken this step. Münster and Cologne followed. The military successes of France and her allies were rapid and overwhelming. The Prince of Orange was forced to retreat behind the dykes of the province of Holland.

[1] For Louis's dealings with England, see above, Doc. **63.**

[2] A. Geoffroy, "Nos Diplomates sous Louis XIV.: Suède et France", in *Revue des Deux Mondes,* LXVIII. 592 ff. (1885).

[3] In regard to the Spanish subsidies, see above, Doc. **61,** introduction.

[4] Wicquefort, *Histoire des Provinces-Unies,* IV. 629.

[5] The treaty is printed in Dumont, *Corps Diplomatique,* tom. VII., pt. I., pp. 167 ff. The secret articles are also in Mignet, *Négociations,* III. 365-374.

Sweden may not have regretted the humiliation of the United Provinces, but it was not to her interest that they should be destroyed.[6] She wished the war to end as speedily as possible. She was unwilling that England should be sole mistress of the sea and acquire an important part of the coast of Zeeland. An edict of the States General, declaring most of Sweden's commodities contraband, was ruining her trade.[7] She desired to mediate between the belligerents. Before the end of the year 1672 the Kings of Great Britain and France had accepted her proposal. In January, 1673, Sparre and Ehrensteen, the Swedish ambassadors extraordinary, coming from London to the Hague, began negotiations.

Discussions revolved chiefly about the questions of suspension of arms and the place at which a peace conference should be held. Cologne was finally decided upon. On the eve of their departure for that place the Swedish ambassadors on April 22/May 2 made a treaty with the commissioners of the States General, which seems intended to conciliate the Swedish government. It confirmed the abrogation of the Act of Elucidation of the treaty of Elbing, as provided for in the treaty of July 18/28, 1667;[8] annulled the tax, hateful to the Swedes, levied by the Dutch on ships or merchandize brought into the Baltic or exported thence into the United Netherlands; renewed the articles of general application of the treaty of July 6, 1667, concerning contraband and the security and liberty of navigation and commerce; provided that ships seized by privateers contrary to this treaty be restored; and that the controversies between the Swedish American Company and the Dutch West India Company on account of alleged mutual damages in America, which had not been settled as stipulated in the treaty of July 18/28, 1667, should be investigated, and satisfaction given within a year.

Bibliography.

Text: MS. The original manuscript of the ratification by the States General is in the Riksarkiv, Stockholm, Originaltraktaten, Holland, no. 15 d.

Text: Printed. J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 222, 223. The text will doubtless be included in O. S. Rydberg and C. Hallendorff, *Sverges Traktater med Främmande Magter* (1877-).

References: Contemporary and early writings. A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), IV. 324-326, 628-633; L. Sylvius [Lambert van den Bos], *Historien onses Tyds, behelzende Saken van Staat en Oorlogh* (1685), (continuing L. van Aitzema's *Saken van Staet en Oorlogh*), pp. 474, 497, 531 ff., 590, 591, 598; F. A. A. Mignet, *Négociations relatives à la Succession d'Espagne* (1835-1842), IV. 138 ff.; J. Basnage, *Annales* (1726), II. 364, 392-395.

References: Later writings. M. A. Lefèvre-Pontalis, *John de Witt* (1885), II. 137 ff.; A. Johnson, *Swedish Settlements on the Delaware* (1911), II. 656.

[6] Mignet, *op. cit.*, IV. 139.
[7] P. R. O., St. Pap. For., Sweden, no. 8; Wicquefort, *op. cit.*, IV. 628.
[8] See above, Doc. **56.**

TEXT.[9]

Ordines Generales Foederatarum Belgii Provinciarum, Notum testatumque facimus universis et singulis quorum scire interest, quod cum inter Serenissimum et Potentissimum principem ac dominum, dominum Carolum, Suecorum, Gothorum, Vandalorumque regem etc. ex una, et nos ex altera parte, per deputatos, ad hoc sufficienti utrimque mandato instructos, Hagae Comitis die tertia mensis Maji anni millesimi sexcentesimi septuagesimi tertii conventio in sequentem modum inita et conclusa sit.

Serenissimi et Potentissimi principis ac domini, domini Caroli, Suecorum, Gothorum, Vandalorumque regis, magni principis Finlandiae, ducis Scaniae, Esthoniae, Livoniae, Careliae, Bremae, Verdae, Stettini, Pomeraniae, Cassubiae, et Vandaliae, principis Rugiae, domini Ingriae et Wismariae, nec non comitis palatini Rheni, Bavariae, Juliaci, Cliviae et Montium ducis, etc., regis et domini nostri clementissimi, nos pedestrium copiarum generalis et gubernator in Elfsborgs Laehn et Daal, Petrus Sparre liber baro in Chronebergh, dominus in Nasby et Beltebergk, nec non ejusdem Sacrae Regiae Majestatis consiliarius cancellariae et secretarius status, Eduardus Ehrensteen, haereditarius in Forsbygard, Lindesiö et Barkestorp, ad Serenissimum et Potenttissimum Magnae Britanniae regem atque Rempublicam Unitarum Provinciarum Foederati Belgii pro pacis mediatione obeunda missi et constituti legati, ut et altissime quoque memoratae Sacrae Regiae Majestatis ad Unitos Belgas ablegatus extraordinarius et consiliarius aulicus Haraldus Apelboom, haereditarius de Söderby, quemadmodum et Celsorum ac Praepotentium dominorum Ordinum Generalium Foederati Belgii nos ad hunc actum specialiter deputati commissarii, Gaspar Fagel, consiliarius et pensionarius Hollandiae et Westfrisiae, Johan de Mauregnault, Wilhelmus ab Haren, agri Biltani in Frisiis grietmannus, Johan Isbrandts, hoofling in Hooghkercke et senator Groninganus, deputati ad consessum Ordinum Generalium Uniti Belgii, notum testatumque facimus omnibus et singulis quorum interest aut quocunque nomine interesse poterit, quod cum altissime memorata Sacra Regia Majestas Sueciae nihil magis voveat, quam ut se inter regnumque Sueciae ab una, et Celsitudinem Dominorum Ordinum Uniti Belgii ab altera parte, firma et constans semper amicitia vigeat et floreat, idque omne tollatur et complanetur, quod vel minimo impedimento esse queat, animorumque consensus, sicuti olim, cum hi respective status essent, non sine fructu ingenti, quam conjunctissimi, ad illud reciprocae et fidae correspondentiae fastigium rursus evehatur, ut mutui foederis antiqua necessitudo plane illibata et illaesa deprehendatur, atque altememorati D. D. Ordines Generales declaraverint in eo studii genere omnem in simul promptitudinem seque tam bonae Sacrae Regiae Majestatis intentioni pari voluntate responsuros, et in eundem finem propositumque certatim et libenter cooperaturos esse; proinde congressi sunt utriusque partis supra nominati plenipotentiarii, interque eos actum et conclusum est modo sequenti:

. . . . . .

3. Deinde cum articulo sexto dicti tractatus anni 1667 statutum et decretum sit, ut controversiae, quae inter Societatem Sueco-Americanam et Societatem Indiae Occidentalis Foederati Belgii intercedunt, tam ratione occupationis quam damnorum quae sibi a sese invicem in America facta et illata esse praetendunt, secundum justitiae et equitatis regulas cum Sacrae Regiae Majestatis ablegato Hagae Comitis examinarentur, desuper transigeretur, partique laesae

[9] The text is from the ratification by the States General, preserved in the Riksarkiv at Stockholm, Originaltraktaten, Holland, no. 15 d.

confestim et sine mora satisfieret, neque hactenus ex illo tempore amplius quidquam actum sit; et tamen D. D. legati Suecici contendant evidenter constare a Societate Indiae Occidentalis Belgica ditionem Societatis Suecicae ejusdem Indiae, Novam Sueciam dictam, vi et armis subactam esse, a parte vero alte memoratorum D. D.rum Ordinum Generalium Uniti Belgii petitum sit ut, collatis prius utriusque societatis rationibus, demonstretur quomodo ditio illa sit occupata, quidve injuriae vel damni illati quaelibet societas ab altera praetendere sustineat, idque per temporis brevitatem nunc peragere cum non vacet, conventum est ut statim post confectum et conclusum hoc pactum controversiae illae a parte Sacrae Regiae Majestatis per ejusdem hic loci ministrum, vel quemcunque alium aliosve ab altissime memorata Sacra Regia Majestate ad illud negocium constitutos vel ordinatos, ex parte vero D. D. Ordinum Generalium ad id deputatos reassumantur, et quid quantumve damni et injuriae alterutra pars ab altera passa sit accurate investigetur, expendatur, et sine ulteriore cunctatione definiatur, partique laesae secundum dictam definitionem, tam ratione occupationis quam damni dati, intra currentis anni spacium satisfiat.

In fidem horum majorem, duo exemplaria invicem commutanda confecta et dein extradita sunt, plenipotentiariorum manibus sigillisque munita, addita stipulatione mutua de ratificatione intra tres menses subsecutura, quae hic loci mox commutari debeat. Actum Hagae Comitis die vigesima secunda Aprilis /secunda Maii anni millesimi sexcentesimi septuagesimi tertii.

P. Sparre.
Ed. Ehrensteen.
Harald Appelboom.
Gasp. Fagel.
J. de Mauregnault.
W. v. Haren.
J. Isbrandts.

Cumque simul etiam convenerit ut ejusdem initae et conclusae conventionis ratificatio a Regia Sacra Majestate et nobis intra tres menses subsequi et hic loci commutari debeat, nos huic conventioni satisfacientes eandem conventionem initam et conclusam per omnia et singula approbavimus, confirmavimus, et ratihabuimus, quemadmodum hisce approbamus, confirmamus, et ratum habemus; promittentes insuper, nos omnia et singula in praefata conventione contenta, divina aspirante gratia, bona fide praestituros et adimpleturos, omnique ratione impedituros ne a nostris vel aliis ullo modo violentur; in cujus rei fidem hasce majoris sigilli nostri appensione muniri, et per consessus nostri praesidem signari curavimus, ut et per graphiarium nostrum subscribi jussimus. Actum in consessu nostro, die decima sexta Augusti anni millesimi sexcentesimi septuagesimi tertii.

Isbr. van Vierssen v[idi]t.
10. 16. 1673.
Ad mandatum altemem oratorum Dominorum Ordinum Generalium.
H. Fagel.

Translation.

We, the States General of the United Provinces of the Netherlands, make known and testify to all and singular whom it concerns, that whereas between the Most Serene and Most Potent prince and lord, lord Charles, king of the Swedes, Goths, and Vandals, etc., on the one part, and us on the other part, a convention was entered into and concluded by deputies instructed for this pur-

pose by a sufficient mandate from both sides, at the Hague, on May 3, 1673, in the following manner:

We, Pehr Sparre, general of infantry, and governor in Elfsborg county and valley, free baron in Kronoberg, lord in Näsby and Beltebergk, also Edvard Ehrensteen, councillor of the chancellery and secretary of state of his Sacred Royal Majesty, hereditary in Forsbygård, Lindesiö, and Barkestorp, ambassadors of the Most Serene and Most Potent prince and lord, lord Charles, king of the Swedes, Goths, and Vandals, great prince of Finland, duke of Scania, Esthonia, Livonia, Carelia, Bremen, Verden, Stettin, Pomerania, Cassubia, and Vandalia, prince of Rügen, lord of Ingria and Wismar, count palatine of the Rhine, duke of Jülich, Cleves, and Berg, etc., our most clement king and lord, appointed and sent to the Most Serene and Most Potent King of Great Britain, and to the republic of the United Provinces of the Netherlands, for undertaking the mediation of peace; as also Harald Appelboom, envoy extraordinary of his above-named Sacred Royal Majesty to the United Dutch, and aulic councillor, hereditary of Söderby; and likewise we the commissioners of the High and Mighty lords the States General of the United Netherlands, especially deputed for this purpose, Gaspar Fagel, councillor and pensionary of Holland and West Friesland, Johan de Mauregnault, Wilhelmus van Haren, grietman of the district of the Bildt in Friesland, Johan Isbrandts, *hoofling* in Hoogkerk and senator of Groningen, deputies to the assembly of the States General of the United Netherlands, make known and testify to all and singular whom it concerns, or may for any reason concern, that whereas his aforesaid Sacred Royal Majesty of Sweden desires nothing more than that a firm and constant friendship shall always thrive and flourish between the kingdom of Sweden on the one part, and their Highnesses the lords the States of the United Netherlands, on the other part, and that every possible smallest impediment shall be removed and smoothed away, and the concord of minds shall again be brought to the same height of mutual and true harmony as formerly, when these respective states were (not without important consequences) very closely joined, so that the ancient bond of mutual alliance may be clearly perceived to be unimpaired and uninjured; and whereas the aforementioned lords, the States General, have shown entire promptness in such endeavor and have declared that they will respond with equal good-will to this good purpose of his Sacred Royal Majesty, and will co-operate earnestly and willingly to that proposed end—therefore the above-named plenipotentiaries of both parties have met together, and have negotiated and concluded between them, as follows:

. . . . . .

3. Furthermore, since it has been prescribed and decreed by the sixth article of the said treaty of the year 1667, that controversies arising between the Swedish American Company and the West India Company of the United Netherlands, both on account of occupation [of territory] and on account of damages which, they allege, each has caused and occasioned to the other in America, should be examined according to the rules of justice and equity, with the envoy of his Sacred Royal Majesty at the Hague, and that a decision should be reached thereupon, and satisfaction should be given immediately and without delay to the injured party, and since from that time to the present nothing further has been done; and since nevertheless, the lords the Swedish ambassadors maintain that it is clearly established that the district of the Swedish West India Company called New Sweden was subjugated by force and arms by the Dutch

West India Company, but on the part of the above-mentioned lords the States General of the United Netherlands it was desired that after the views of both companies had been compared it should be shown how that district had been occupied, and what injury or damage either company may venture to allege that it has suffered from the other, and since, on account of the shortness of the time, there is at present no opportunity to put the matter through, it has been agreed that immediately after this covenant has been finished and concluded those controversies shall be again taken up on the part of his Sacred Royal Majesty by his minister resident here, or by some other or others designated or appointed by his aforesaid Sacred Royal Majesty for that business, and by some deputed for that purpose on the part of the lords States General; and that what or how much damage and injury either party may have suffered from the other shall be accurately investigated, weighed, and determined, without further delay, and that within the space of the current year satisfaction in accordance with the said decision, both on account of the occupation [of territory] and on account of the injury inflicted, shall be given to the injured party.

. . . . . .

For the better confirmation of these articles, two copies have been mutually exchanged, completed, and afterwards transmitted, strengthened by the hands and seals of the plenipotentiaries, and with the addition of the mutual stipulation that ratifications shall follow within three months, and shall soon thereafter be exchanged in this place.

Done at the Hague on April 22/May 2, 1673.

P. Sparre.
Ed. Ehrensteen.
Harald Appelboom.

Gasp. Fagel.
J. de Mauregnault.
W. v. Haren.
J. Isbrandts.

And whereas at the same time it was also agreed that the ratification of this covenant, which had been entered into and concluded, ought to be completed by his Royal Sacred Majesty and by us within three months, and exchanged at this place, we in satisfaction of this agreement have approved, confirmed, and ratified in all and singular this covenant, entered into and concluded, even as by these presents we do approve, confirm, and ratify it, promising moreover that by the aid of Divine grace we will perform and execute in good faith all and singular contained in the aforesaid covenant, and will prevent in every way the violation of them, in any manner, by ourselves or by others. In witness whereof we have caused these presents to be strengthened by the affixing of our greater seal, and signed by the president of our assembly, and we have also ordered them to be subscribed by our clerk. Done in our assembly, August 16, 1673.

Isbr. van Vierssen vidit.
10-16-1673.
By command of the aforementioned lords States General.
H. Fagel.

68.

Treaty between the United Netherlands and Spain, concluded at the Hague, August 30, 1673, N. S. Ratification by Spain, November 10, 1673.

Introduction.

When De Witt became convinced that Louis XIV. intended to attack the United Netherlands, he turned for aid to the Empire and Spain. Spain was inclined to a treaty with the Dutch; for she feared that, in spite of the treaty of Aix-la-Chapelle,[1] Louis would attack the Spanish Netherlands before he moved against the United Provinces.[2] Because of this fear, Van Beverningk,[3] the Dutch ambassador at Madrid, was able to pave the way for certain agreements. Acts signed at the Hague on December 16, 1671, bound Spain and the United Provinces to assist each other if either was attacked by the French.[4] Supplementary acts, exchanged on February 22, 1672, obliged each government, in case of formal rupture, not to make a separate truce or peace with France.[5]

After England and France had declared war on the United Netherlands, in the spring of 1672, the Republic tried to induce Spain, as well as the Emperor, to break openly with France. To effect this, in the summer of 1672, it sent Adriaan Paets as ambassador to Madrid, where news of the rapid success of the French arms in the United Netherlands had preceded him. Paets found the Spanish government wavering, the council divided. To overcome this hesitation, he was empowered to promise that if the Emperor and the Elector of Brandenburg would make the same pledge, and Spain would declare war on France, the United Provinces and their allies would not make peace except with the consent of Spain, until Spain had been restored to the state in which she was at the conclusion of the peace of the Pyrenees, in 1659.[6] The trend of events gradually brought the reluctant queen regent of Spain to accept the necessity of a breach with France. After Monterey, the governor-general of the Spanish Netherlands, had given important military aid to the Prince of Orange, the resentment of the French, their conquest of Maastricht, and the disposition of their troops obviously threatened the Spanish Netherlands. The

[1] For the treaty of Aix-la-Chapelle, see above, p. 166.

[2] Krämer, *De Nederlandsch-Spaansche Diplomatie,* pp. 62 ff.

[3] Van Beverningh was instructed to allay the resentment felt in Spain on account of the trade alleged to be carried on by the Dutch in the Spanish West Indies (Wicquefort, *Histoire des Provinces-Unies,* IV. 168). In a memoir for the queen-regent, Van Beverningh proposed that trade between the Dutch East India Company and Manila, prohibited by the fifth article of the treaty of Münster, be opened. H. A. van Dijk, *Bijdrage tot de Geschiedenis der Nederlandsche Diplomatie* (1851), p. 479.

[4] The text of this agreement is in Dumont, *Corps Diplomatique,* tom. VII., pt. I., pp. 155, 156.

[5] Dumont, *op. cit.,* pp. 162, 163.

[6] Krämer, *op. cit.,* p. 87.

Elector of Brandenburg deserted the Dutch. If they were not helped it seemed certain that they would make peace with France, which might then turn its full strength against the Spanish possessions.[7]

In the summer of 1673 negotiations parallel to those at Madrid were actively conducted between Van Beuningen and the other Dutch commissioners on the one part, and De Lira, the Spanish minister at the Hague, and Monterey at Brussels, on the other part, for a treaty between the Republic and Spain. The chief stumbling-block was the demand made by the Dutch that if they were unable to make a separate peace with Great Britian—which Spain was to mediate—Spain should agree to break with Great Britain as well as with France. The Spanish government feared to go to war with England on account of the danger to its American possessions. To overcome its reluctance Van Beuningen was empowered to insert in the treaty a provision for mutual help in America in case an attack was made there.[8]

About the first of August Monterey declared to the Dutch government that Spain would openly break with France if the Emperor should decide to do so.[9] Since the autumn of 1672, the Spanish government had been trying to form an alliance with the Emperor. One of Spain's demands was that the Emperor should support her wherever she should be attacked, even if it were in America;[10] the Emperor asked for subsidies. In the summer of 1673, the Emperor became much more ready than before to break with France, because of her increasingly aggressive attitude with respect to the Empire; because of the likelihood of her soon making peace with the Dutch; and because the danger of a Turkish attack on Hungary had become less. He was finally prevailed upon to take the step, by Spain's decision to pay him the subsidies that he required.[11] A treaty between Austria and Spain was signed on August 28, 1673.[12] Two days later, each of these powers concluded an alliance with the States General of the United Netherlands. The Duke of Lorraine also joined the allies in this coalition against France.[13]

The Spanish-Dutch treaty provided for the mutual guaranty of lands, commercial rights, and navigation both within and without Europe; the restoration to either ally of its pre-war possessions, and in particular to Spain of all that had been taken from it since the treaty of the Pyrenees in 1659; the cession of Maastricht by the States General to Spain; and open war by Spain and the Emperor against France, in case the peace negotiations at Cologne failed. In a separate article it was agreed that Spain should break with Great Britain, if unable to mediate promptly a satisfactory peace, and that Spain should offer Great Britain on behalf of the United Provinces the following terms: satis-

[7] Mignet, *Négociations,* IV. 169-176, 178-181; Krämer, *op. cit.,* pp. 92 ff.
[8] Krämer, *op. cit.,* pp. 119, 120.
[9] Pribram, *Franz Paul Freiherr von Lisola,* p. 622.
[10] *Ibid.,* pp. 601, 603, note 4.
[11] *Ibid.,* p. 628.
[12] This treaty was printed for the first time by Pribram, *op. cit.,* pp. 609-703.
[13] The Austrian-Dutch treaty is in Dumont, *op. cit.,* pp. 242, 243, and in *Oesterreichische Staatsverträge: Niederlande,* Band I. (1912), pp. 152-160, in *Veröffentlichungen der Kommission für Neuere Geschichte Oesterreichs.* The treaty with the Duke of Lorraine is in Dumont, *op. cit.,* pp. 235, 236, 244, 245.

faction to Great Britain in the matter of the flag; the restitution of places outside Europe occupied by the States General during this war, in consideration of a reciprocal restitution; and the payment of from 400,000 to 800,000 crowns.

Bibliography.

Text: MS. The ratification by Spain is in the Rijksarchief in the Hague. It gives the text in Spanish, as below.

Text: Printed. J. A. de Abreu y Bertodano, *Colección de los Tratados* (1751-1752), I. 603-623 [but this seems to be a Spanish translation from the French texts named below; it differs from that which is printed on the following pages (from a photograph of the ratification)].

Translations: French. *Actes et Mémoires des Négociations de la Paix de Nimègue* (third ed., 1697), tom. I., pt. II., pp. 585-600; F. Leonard, *Recueil des Traitez de Paix* (1693), VI.; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 240-242. **Dutch.** L. Sylvius [Lambert van den Bos], *Historien onses Tyds* (continuation of Aitzema's *Saken van Staet*) (1685), I. 654-657. (Translation?)

References: Contemporary and early writings. F. A. A. Mignet, *Négociations* (1835-1842), IV. 167-208, *passim*, 215-217; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), IV. 161 ff., 167 ff., 198 ff., 317-322, 381 ff., 453 ff., 593-595; J. Basnage, *Annales* (1726), II. 440, 441.

References: Later writings. F. J. L. Krämer, *De Nederlandsch-Spaansche Diplomatie voor den Vreede van Nijmegen* (1892), pp. 1-124; F. A. A. Mignet, *loc. cit., passim;* J. Wagenaar, *Vaderlandsche Historie* (1782-1811), XIV. 241, 242, 276, 277; A. F. Pribram, *Franz Paul Freiherr von Lisola und die Politik seiner Zeit* (1894), pp. 594-636, *passim.*

Text.[14]

Don Carlos Segundo por la gracia de Dios rey de las Españas, de las dos Sicilias, de Jerusalem, de las Indias, etc.; archiduque de Austria, duque de Borgoña y de Milan, conde de Abspurg y de Tirol, etc.; y la Reyna Doña Mariana de Austria, su madre, tutora, y curadora de su real persona, y governadora de todos sus reynos y señorios; Por cuanto haviendose ajustado en el Haya a treinta de Agosto deste presente año, un tratado indisoluble de nueba alianza para la consecucion de una firme y durable tranquilidad de Europa entre el Rey mi hijo y los Estados Generales de las Provincias Unidas del Pays Vajo por medio de los respectivos ministros nombrados para este efecto en virtud de los poderes presentados de sus principales, cuya copia de verbo ad verbum es del tenor siguiente:

Despues de los grandes y considerables socorros con que la monarchia de España ha asistido generosamente desde el principio de la presente guerra a los Estados de las Provincias Unidas del Pays Vajo, y despues de las continuas demostraciones de reconocimiento que los señores Estados Generales de dichas provincias han manifestado a su Magestad como a un principe que con

[14] The text is from the manuscript of the ratification by Spain, in the Rijksarchief in the Hague. The separate article and the addition to it are also there, in the French text here given, differing considerably from that printed in *Actes et Mémoires de la Paix de Nimègue, loc. cit.*

firmeja incontrastable se ha opuesto a la ruyna que les amenazaba la imbasion de enemigos tan poderosos, reconociendose por parte de los dichos señores Estados que para afixar la esperanza de su restablecimiento y subsistencia en adelante, por medio de un acomodamiento decente y estable, faltava la ultima experiencia de la propension de su Magestad al bien, union, y prosperidad del cuerpo Belgico, han hecho repetidas instancias a su Magestad para que se sirviese de perficionar esta grande obra, no solo con la renovacion de los tratados que ay entre su Magestad y los dichos señores Estados sino tambien por demostracion final de su real benebolencia con una alianza nueva y indisoluble para llegar al unico fin que se propone de una tranquilidad durable en Europa, y como al parejer no se puede conseguir este bien por solo los medios que de presente se le aplican, los dichos señores Estados Generales con la esperanza que han tenido siempre de que al fin loable de la paz y de la conserbacion de todos los Payses Vajos amenazados generalmente con los progresos de las armas enemigas, su Magestad les ampararia con las suyas en guerra abierta, por cuyo medio se pudiese restablecer unidamente con la asistencia del favor Divino, el reposo interrumpido de la Cristiandad en una paz general, justa, y permanente, condescendiendo su Magestad a los deseos y a las instancias de los dichos señores Estados, y atendiendo separadamente a otros motibos de razon y de justizia, se ha combenido, ajustado, y concluydo, en nombre de su Magestad de una parte por Don Manuel Francisco de Lira, conductor de embaxadores en la corte de España, y embiado plenipotenciario de su Magestad en la Haya, y en nombre de dichos Estados Generales, de la otra, por Conrard Wanbeuninghen, antiquo burgo mestre de Amsterdam, Gaspar Fagel, consexero pensionario de los Estados de Holanda y Westfrisa, Juan de Mauregnault, Is. Brant vanvierssen, y Schato gockinga, consejero de Groninga, todos deputados ordinarios en la asamblea de los dichos señores Estados Generales, lo siguiente:

1. Habra entre el Rey y los reyes sus subcesores y sus reynos, de una parte, y los señores Estados Generales de las Probincias Unidas del Pays Vajo, de la otra, y sus estados y tierras pertenecientes y sus vasallos reciprocamente, una sincera, firme, y perpetua amistad y buena correspondencia, asi por mar como por tierra, en todo y por todo, tanto fuera como dentro de Europa.

2. Ademas, habra entre su Magestad y los reyes sus subcesores y sus reinos, y los dichos señores Estados Generales y sus estados y tierras pertenecientes, una alianza estrecha y una fiel confederacion para mantenerse y conserbarse mutuamente, uno y otro, en la posesion de todos los estados, villas, plazas, y payses que les pertenecen, y en el goze de todos los derechos, franquezas, y livertades de navegacion, de comercio, y otras qualesquiera de qualquiera naturaleza que sean, asi por mar como por tierra, de que gozan ó tienen derecho de gozar por el derecho comun ó los que tienen adquiridos ó adquirieren en adelante por los tratados de paz, de amistad, ó de neutralidad hechos antes, ó los que se hizieren despues conjuntamente y de comun concierto con otros reyes, republicas, principes, ó villas, pero todo dentro de los terminos de Europa solamente.

3. Y assi prometan y se obligan de garantirse uno á otro, no solo todos los tratados que su Magestad y los dichos señores Estados Generales tienen hechos. ya con otros reyes, republicas, principes, y estados, los quales se manifestaran de una y otra parte, antes del trueque de las ratificaciones, pero tambien todos los que se pudieren hazer en adelante, conjuntamente y de comun concierto, y de defenderse, asistirse, y conservarse reciprocamente en la posesion de los estados, villas, plazas, y payses que les pertenecen de presente y pertenecieren en adelante, tanto a su Magestad y a los reyes sus subcesores, como a los dichos

señores Estados Generales, por los tratados referidos ó de otra suerte en qualquiera parte de Europa que los dichos estados, villas, plazas, y payses esten situados, de manera que si su Magestad ó los reyes sus subcesores ó los dichos señores Estados Generales llegaren á ser acometidos ó en qualquiera manera que sea turbados en la posesion ó goze de los estados, villas, plazas, y payses, derechos, immunidades y livertades de navegacion, de comercio, ó otras qualesquiera de qualquiera naturaleza que sea, por mar ó por tierra, que su Magestad ó los dichos señores Estados Generales poseen ó gozan, ó tienen derecho de poseer ó de gozar, sea por el derecho comun ó por tratados hechos, ó por los que pudieren hazerse, como queda referido, su Magestad y los dichos señores Estados Generales, estando advertidos y requeridos, el uno por el otro, haran conjuntamente todo lo posible para hazer que cese el disturbio ó la hostilidad y que se reparen las sin razones y injurias que se huvieren hecho al uno de los aliados.

4. Y en caso que al dicho acometimiento ó inquietud se siga una guerra abierta, aquel de los dos aliados que no fuere acometido estara obligado de romper tres meses despues del primer requerimiento del que se hallare ya en rompimiento, y en este intermedio hara todo esfuerzo por sus embaxadores ó otros ministros para mediar un acomodamiento justo entre el agresor ó turbador y el acometido y inquietado, y entre tanto dara un socorro de ocho mil infantes bien armados en los regimientos y compañías, y con los coroneles y otros ofiziales que juzgare á proposito, y entregara dicho socorro y le entretendra á su costa, para el servicio del acometido ó inquietado todo el tiempo, que no huviere obligacion de entrar en rompimiento segun este tratado, y sera arbitrario el tomar el socorro, ó todo en soldados ó todo en dinero ó parte en soldados, dinero, navios, armas, municiones, ó otras proprias al uso de la guerra, de manera que mil soldados se taxaran á diez mil florines al mes, segun el curso del banco de Amsterdan, contando doce meses en el año, y el pagamiento dellos se hara al principio de cada mes, por partes yguales, y las monedas se entregaran en Amberes ó Amsterdan, respectivamente, pero en caso que la dicha prestacion se haga en parte ó toda en municiones, navios, ó en otras cosas proprias al uso de la guerra, el asistido estara obligado de yr á recivirlas y tomarlas el mismo al pays del que diere el socorro, bien entendido que si el socorrido desea tener en parte alguna caballeria ó dragones se computara para llevar el numero de todos los ocho mil hombres ó la parte dellos que el acometido ó inquietado pidiere cada soldado de a caballo ó dragon por tres infantes, y quando el socorro se diere en soldados estaran enteramente suxetos al mando y ordenes de aquel a quien fueren embiados para servirse en campaña, en sitios, en guardia de plazas, y en todo lo que la necesidad ó la utilidad requiriere, pero con la reserva de que las compañias no puedan estar enteramente separadas unas de otras, sino que queden unidas de bajo de sus vanderas, por lo menos en numero de docientos ó trecientos hombres de cada regimiento; y quando la necesidad de los negocios requiriere que el socorro prometido y acordado se deva augmentar, su dicha Magestad y los señores Estados Generales procuraran combenirse juntos en ello, y quedara despues de espirado el termino de los dichos tres meses á eleccion del aliado que estuviere en rompimiento el continuar en gozar el fruto del mismo socorro en caso que la coyuntura del tiempo ó las circunstancias de los negocios le hagan preferir el efecto del al del rompimiento abierto de su aliado.

5. Hallandose establecida y prometida en esta conformidad la garantia reciproca quando uno de los aliados fuere acometido ó inquietado, y se hallare obligado á entrar en guerra abierta, el otro aliado estara ygualmente obligado á romper con el agresor ó perturbador y a emplear todo su poder y todas sus

fuerzas, por mar y por tierra, y las juntara a las del dicho aliado acometido ó inquietado, para reducir el enemigo comun a un acomodamiento decente, seguro, y justo, con uno y otro aliado.

6. Y en este caso, las fuerzas de su Magestad y de los señores Estados Generales obraran unida ó separadamente, segun lo que mas particularmente se concertare entonces entre su dicha Magestad y los dichos Estados Generales, los quales consultaran y resolberan unidamente los medios mas adequados para infestar al enemigo comun, sea por via de diversion ó de otra suerte, afin (como dicho es) de reducirle con mas brevedad á un acomodamiento.

7. Y aunque por lo que queda dicho al fin del segundo articulo deste presente tratado, el efecto desta liga se encierra dentro de los limites de Europa, se entiende sin embargo que si su Magestad Catholica ó los dichos señores Estados Generales fueren acometidos en adelante ó de qualquiera suerte que sea perturbados en la posesion de los estados, villas, plazas, y payses, derechos, immunidades, y libertades de navegacion, de comercio, ó otras qualesquiera de qualquiera naturalez que sean, por mar ó por tierra, que su Magestad ó los dichos señores Estados Generales poseen ó gozan ó tienen derecho de poseer ó de gozar, fuera de Europa mismo, y en qualquiera parte del mundo que sea, ó por el derecho comun ó por tratados hechos antes ó que se pudieren hacer despues, como queda dicho, su Magestad y los dichos señores Estados haviendo sido advertidos y requeridos, uno por otro, haran unidamente todo lo posible para hazer que cese el disturbio ó la hostilidad y se de reparacion de las sin razones y injurias que se huvieren hecho al uno de los aliados, y que en caso que esto no pueda efectuarse por vias amigables en quatro meses, y que aquel de los aliados que fuere en esta forma acometido ó inquietado fuera de Europa en qualquiera parte del mundo que sea, se hallare obligado á emplear sus armas en Europa contra el agresor ó perturbador para reducirle a la razon, aquel de los dos aliados que no fuere acometido ó inquietado dará al que lo estubiere el socorro sobre dicho y rompera consecutivamente con el agresor ó perturbador la guerra abierta de la misma manera que si el acometimiento ó disturbio se huviese hecho dentro de los limites de Europa.

8. Y quando se halle declarado ya una vez la guerra con ambos aliados segun el presente tratado, no se podra por parte de alguno de dichos dos aliados hazer despues ninguna suspension de armas con el que huviere sido declarado y reconocido por enemigo, sino es conjuntamente y de comun consentimiento.

9. Pero sucediendo el caso de venirse á entrar en negociacion, sea para tratar de paz ó de tregua de algunos años, no se podra comenzar por el uno de los aliados sin la participacion del otro y sin procurarle al mismo tiempo y tan presto, como assi mismo la facultad y seguridad requerida y necesaria para embiar sus ministros al lugar donde se tratase, como tambien sin dar sucesivamente, de tiempo en tiempo, comunicacion de todo lo que pasare en la dicha negociacion, y no podra uno ni otro pasar a la conclusion de la dicha paz ó tregua, sin comprender en ella á su aliado, y hazerle bolver á poner, si lo desea, assi en posesion de los payses, tierras, y plazas, y goze de derechos y immunidades, que tenia y de que gozaba antes de la guerra, y sin estipular del enemigo comun para el aliado los mismos derechos, immunidades, exempciones, y demas prerrogatibas que para si mismo, sino es que los aliados se combengan de otra suerte.

10. Y para que la sincera intencion que su Magestad y los dichos señores Estados Generales tienen de establezer entre si y sus estados y vasallos, de una parte y otra, por esta presente combencion, una amistad y union estrechisima para el bien y quietud del uno y del otro, se asegure con tanto mayor cuydado contra todo genero de alteraciones, no se ha combenido solamente en que ni su

Magestad Catholica ni los dichos señores Estados no entren en adelante en algun empeño contrario á este, pero no haran tratado alguno sin comprehender en el el uno al otro, si lo deseare asi, y sin darse á tiempo la noticia requerida para poderse declarar en orden a la dicha comprehension.

11. Y afin de que esta liga que se haze para el restablecimiento y conserbación de la publica tranquilidad sea tanto mas eficaz, se combidara á entrar en ella al Emperador y a todos los otros reyes, principes, y estados que se juzgare a proposito de comun consentimiento, y se tratara de una y otra parte singularmente para conserbar en su vigor la triple liga de garantia hecha para la conserbación de la paz de Aquisgrana en favor de su Magestad Catholica luego que se de fin a la presente guerra con su Magestad Britanica.

12. El tratado de paz y de amistad hecho entre la corona de España y los dichos señores Estados, en Munster, el año de mil seiscientos y quarenta y ocho, y el tratado de marina hecho y firmado en diez y siete de Diciembre de mil seiscientos cinquenta, y la garantia de la paz de Aquisgrana prometida por los dichos señores Estados Generales, y todas otras combenciones hechas, seran consiguientemente observadas en todos sus articulos y gozaran su Magestad y los dichos señores Estados y sus subditos, de una y otra parte, de todo lo que esta combenido y regulado en ellas, tanto para los negocios publicos como para los negocios particulares.

13. Pero respecto de hallarse hoy los dichos señores Estados Generales en una guerra grande y peligrosa con el Rey Cristianisimo y el Rey de la Gran Bretaña, como tambien con el Elector de Colonia y el Obispo de Munster, y de estar los plenipotenciarios de todas las partes juntos en Colonia para terminarla, si es posible, con un tratado de paz que pueda dar a la Europa su primer tranquilidad y librar el estado de las Provincias Unidas de la opresion en que esta, su Magestad, para dar a los dichos señores Estados las ultimas experiencias du su real generosidad, del afecto con que los honrra, y del cuydado que aplica a su conserbacion, promete y se obliga á contribuyr con todo lo que dependiere de si al succeso de la conclusion de la paz, sin ulterior dilacion, con las condiciones en que se juzgare poder consentir para el bien comun, y para salir de los riesgos y de las calamidades en que se hallan; pero en caso que este buen intento de la conclusion de la paz no pueda tener el succeso que se desea, su Magestad rompera la guerra abierta juntamente con su Magestad Cesareo, desde luego y al primer requerimiento de dichos señores Estados Generales que se ha de hazer al señor Governador General de su Magestad en los Payses Vajos y Borgoña, para emprender desde luego las operaciones de comun concierto en ventaja del bien publico y en alivio de los oprimidos, y el dicho Governador General obrara consecutibamente por probision con todo su poder y con todos sus fuerzas contra el Rey Cristianisimo, como tambien su Magestad hara obrar, por mar y tierra, en otras partes dentro de Europa, como queda dicha ariba, y esto por lo que toca al dicho Gobernador General antes mismo que haya venido de España la ratificacion deste presente tratado, y entonces entregara sin dilacion la de los dichos señores Estados.

14. Haviendose hecho en esta forma comun la guerra, entre su Magestad y los dichos señores Estados del un lado y el Rey de Francia del otro, su dicha Magestad y los dichos señores Estados se obligan de no hazer suspension de armas alguna sin comun consentimiento, ni de continuar el presente congreso, establecido en Colonia, ni de entrar de nuevo en adelante en negociacion alguna de paz ó tregua de algunos años, si no es observando exactamente lo que está combenido arriba en el articulo nuebe.

15. Y respecto de que se han ocupado a los dichos señores Estados muchas villas, plazas, y payses pertenecientes á su estado, su Magestad se obliga de no

hazer paz sino es haciendo restablezer los dichos señores Estados en todas las dichas villas, plazas, y payses de su estado que les son ó podran ser en adelante ocupados en esta guerra, sino es que por el bien de la dicha paz se combenga en otra forma.

16. Y los dichos señores Estados, en reconocimiento deste favor real y de todos los grandes socorros con que han sido y aun son asistidos en esta guerra por su Magestad en su mas urgente necesidad, se obligan, desde que su Magestad hubiere entrado en rompimiento conjuntamente con ellos, á no hacer paz con su Magestad Cristianisima sin el consentimiento de su Majestad Catholica, sino es que sea establecido en la posesion de todas las villas, plazas, y payses que le fueron ocupados por su dicha Magestad Cristianisima despues de concluyda la paz entre las dos coronas en los Pireneos el año seiscientos y sesenta, sino es que por el bien de la paz se combengan en otra forma despues.

17. Pero en lo que mira a las otras partes que se hallaren entonces en guerra comun contra su Magestad y los dichos Estados se observara en el hecho de la paz lo que esta combenido arriba en el articulo nuebe.

. . . . . .

19. Este tratado durara el expacio de veinte años, y antes que espire este termino se combendra para el tiempo que se huviere de continuar por el bien comun, y se ratificara este tratado dos meses despues de firmado de una parte y otra, bien entendido que si los dichos Estados durante este termino vinieren á gozar del rompimiento que su Magestad les ha prometido ariba en caso de no poderse obtenir la paz como queda dicho, los dichos señores Estados en este case haran la entrega de su acto de ratificacion antes y sin aguardar al de su Majestad. Fecha en la Haya á treinta dias del mes de Agosto de mil seiscientos y setenta y tres. Don Manuel Francisco de Lira; C. Van Beuninguen; Gaspar Fagel; Johan de Mauregnaupt; Isbrant van Vierssen; Schato Gockinga.

Por tanto haviendose visto y examinado en nuestro consexo el dicho tratado de nueva alianza, he resuelto por mi y por el Muy Alto, Serenísimo príncipe Don Carlos Segundo, rey de las Españas, mi muy charo y muy amado hijo, aprobarle y ratificarle, como en virtud de la presente le apruebo y ratifico, prometiendo en fee y palabra real de cumplirle en la forma que en el se contiene. En fee de lo qual mande despachar la presente, firmada de mi mano, sellada con nuestro sello secreto, y refrendada del infrascripto secretario de estado. Dada en Madrid a diez de Noviembre de mil seiscientos y setenta y tres.

Yo la Reyna.
Don Diego de la Faria.

Separate Article.

Quoy que par le traitté, conclu et signé ce jourd'huy entre sa Majesté Catholique et les Seigneurs Estats Generaux des Provinces Unies, sadite Majesté ne s'est engagée qu'a entrer en rupture avec la France en cas que la paix ne se puisse faire aux conditions qu'on jugera convenir, et que sadite Majesté ne pourroit voir qu'avec un grand déplaisir qu'elle fust obligée a rompre l'amitié qu'elle a avec le Roy de la Grande Bretagne, estant pourtant evident par plusieurs raisons tres concluantes que si ledit Roy de la Grande Bretagne persiste a ne vouloir faire la paix avec lesdits seigneurs Estats, l'on

ne peut attendre l'effect qu'on desire de l'employ des armes de sa Majesté Catholique, sans qu'elles agissent conjoinctement avec celles desdits seigneurs Estats indistinctement contre ceux qui continueront a les persecuter en guerre, sans vouloir venir a une juste paix, Il a esté convenu, que si l'on ne peut parvenir a un prompt accommodement avec sadite Majesté de la Grande Bretagne, et que tous les devoirs qu'on a employés pour cela, et qu'on employera par l'entremise des offices de sa Majesté Catholique, demeureront inutiles, sa Majesté Catholique se declarera en guerre ouverte contre ledit Roy de la Grande Bretagne, tout de meme comme contre le Roy de France; mais afin que rien ne soit negligé de tout ce qui peut servir pour eviter ladite rupture, lesdits seigneurs Estats pour satisfaire aux desirs de sa Majesté Catholique, et estans d'ailleurs tres-portés a tout ce qui peut servir pour renouer l'ancienne amitié avec ledit Roy de la Grande Bretagne, demeureront d'accord que de la part de sa Majesté il se fasse un dernier effort pour porter ledit Roy de la Grande Bretagne a la paix, en luy offrant les conditions mentionnées cy dessous; bien entendu que si lesdites conditions ne soient acceptées, et la paix avec sadite Majesté de la Grande Bretagne ne soit conclue en trois semaines apres la ratification extradée du present traitté, qu'en ce cas, et la guerre contre la France de la part de sa Majesté Catholique estant ouverte et commencée, sa Majesté Catholique rompra avec ledit Roy de la Grande Bretagne. Et pour ce qui concerne lesdites conditions que sa Majesté Catholique pourra presenter au Roy de la Grande Bretagne et s'obliger de les faire accepter auxdits seigneurs Estats Generaux, en cas que sadite Majesté de la Grande Bretagne peut estre disposée par là a la paix avec eux, il a esté convenu que, quoy que lesdits seigneurs Estats ne reconnoissent aucun principe de justice ni succés des armes pour les obliger a des conditions desavantageuses, et que les grandes depenses et dangers, qu'on leur a fait supporter et essuyer, par tous les efforts contre lesquels ils se sont defendus avec l'aide de Dieu, les dispense de toute pensée de redimer la paix a des concessions non deues, que toutesfois pour finir, s'il se peut, la presente guerre avec sadite Majesté de la Grande Bretagne, sa Majesté Catholique, ne pouvant faire ladite paix a moins, pourra offrir a sadite Majesté de la Grande Bretagne, pour toutes pretensions qu'elle a formées ou pourroit former contre lesdits seigneurs Estats: 1. l'ajustement de l'affaire du pavillon au contentement de sa Majesté de la Grande Bretagne; 2. une restitution des païs et places que les armes desdits seigneurs Estats, durant cette guerre, ont ou pourront avoir occupés aux Anglois hors de l'Europe, moyennant une restitution reciproque; et 3. une somme de quatre, cincq, six, sept, ou huit cent mille patacons, payables aux termes suivantes, a scavoir, un quart en mesme temps que les ratifications du traitté d'accommodement serent extradées, et le reste en trois termes, a payer un la premiere année après la fin de cette guerre, l'autre la seconde année, et le dernier la troisiesme, en portions egales, et donneront lesdits seigneurs Estats Generaux caution suffisante pour ledit payement a la satisfaction des ministres de sa Majesté Catholique.

Fait a la Haye le trentiesme Aoust, l'an mil six cent soixante treze.

Man'l Fran'co de Lira.

Van Beuningen.
Gasp. Fagel.
J. de Mauregnault.
Isbr. van Vierssen.
Scato Gockinga.

Addition to the Separate Article.

L'article separé touchant l'Angleterre conclu ce jourd'huy entre le ministre et les commissaires soussignés de la part de sa Majesté Catholique et desdits seigneurs Estatz Generaux des Provinces Unies des Païs Bas n'ayant esté accordé par le sieur Don Manuel Francisco de Lyra, envoyé extraordinaire de sa Majesté, que sous l'aveu et l'approbation qu'on doit attendre d'Espagne en quatre semaines aprés la signature de la presente, il a esté convenu, pour oster tout scrupule qui pourroit naistre là dessus, que les articles quinzième et seizième du traité signé ce jourd'huy entre lesdits soussignés, touchant ce qui se doit observer a la negociation d'une paix après la rupture commune, ne seront pas obligatoires, si faute dudit aveu et approbation ledit article touchant le Roy de la Grande Bretagne ne subsistât point, bien entendu que tant que l'on attendra ledit aveu et approbation, la rupture étant commencée par Monsieur le Gouverneur General du Païs Bas, on observera lesdits articles quinzième et seizième, comme tous les autres, méme avant la ratification formele dudit traité. Fait a la Haye le trentième d'Aoust mil six cent soixante et treize.

Man. Fran'co de Lira.

Van Beuningen.
Gasp. Fagel.
J. de Mauregnault.
Isbr. van Vierssen.
Scato Gockinga.

TRANSLATION.

Don Carlos the Second, by the grace of God king of Spain, of the two Sicilies, of Jerusalem, of the Indies, etc., archduke of Austria, duke of Burgundy and of Milan, count of Hapsburg and of Tyrol, etc., and the Queen Doña Mariana of Austria, his mother, tutrix, and guardian of his royal person, and regent of all his kingdoms and lordships:

Whereas there has been concerted at the Hague, on the thirtieth day of August in this present year, an indissoluble treaty of new alliance for the securing of a firm and durable peace in Europe, between the king my son and the States General of the United Provinces of the Netherlands, through the respective ministers designated for this purpose in virtue of the full powers exhibited from their principals, of which treaty the text is, word for word, of the following tenor:

In view of the great and considerable succors with which the monarchy of Spain has from the beginning of the present war generously assisted the States of the United Provinces of the Netherlands, and in view of the continuous evidences of gratitude which the lords States General of the said provinces have manifested to his Majesty, as to a prince who with perfect firmness has resisted the ruin which menaced them from the invasion of enemies so powerful, and the said lords States General recognize that in order to give permanent hope of their re-establishment and their continuance in the future by means of a suitable and stable arrangement, there was needed the final evidence of his Majesty's devotion to the well-being, union, and prosperity of the Dutch state, they have repeatedly urged his Majesty to be pleased to perfect this great work, not only by the renewal of the treaty existing between his Majesty and the said lords States, but also by the faithful demonstration of his royal good-

will through a new and indissoluble alliance in order to arrive at the single end which is proposed, that of an enduring peace in Europe, and as apparently this good can not be secured by those means alone which at present are being applied, the said lords States General, in the hope they have always entertained that for the laudable purpose of peace and the preservation of all the Netherlands, universally menaced by the progress of hostile arms, his Majesty might support them with his own arms, in open warfare, whereby, with the assistance of the Divine favor, the interrupted repose of Christendom might be unitedly restored in a general, just, and permanent peace, his Majesty, acceding to the desires and urgings of the said lords States, and giving heed also to other motives of reason and justice, the following has been agreed upon, concerted, and concluded in the name of his Majesty, on the one part, by Don Manuel Francisco de Lira, introducer of ambassadors at the court of Spain and envoy plenipotentiary of his Majesty at the Hague, and in the name of the said States General, on the other part, by Conrad van Beuninghen, former burgomaster of Amsterdam, Gaspar Fagel, councillor and pensionary of the States of Holland and West Friesland, Jean de Mauregnault, Isbrandt van Vierssen, and Schato Gockinga, councillor of Groningen, all of them ordinary deputies in the assembly of the said lords States General:

1. There shall be, between the king and the kings his successors and his kingdoms, on the one part, and the lords States General of the United Provinces of the Netherlands and their states and lands and vassals on the other hand, reciprocally, a sincere, firm, and perpetual friendship and good correspondence, both by sea and by land, in every way, both outside of Europe and within.

2. Furthermore there shall be, between his Majesty and the kings his successors and his kingdoms and the said lords States General and their states and lands, a strict alliance and a faithful confederation for maintaining and preserving each other mutually in the possession of all the states, towns, places, and districts which belong to them, and in the enjoyment of all the rights, franchises, and liberties of navigation and commerce, and all others of whatsoever nature, both on sea and on land, which by common law they have a right to enjoy, or those which they have acquired or shall hereafter acquire by those treaties of peace, friendship, or neutrality already made, or those which shall hereafter be made conjointly and by common agreement with other kings, republics, princes, or cities—but all this within the bounds of Europe solely.

3. And also they promise and bind themselves to guarantee, the one to the other, not only all those treaties which his Majesty and the said lords States General have made with other kings, republics, princes, and states, which shall transpire, on the one and the other part, before the exchange of the ratifications, but also all those which may be made hereafter, conjointly and by common agreement, and reciprocally to defend, assist, and preserve each other in the possession of the states, towns, places, and districts which belong to them at present and which shall hereafter belong either to his Majesty and the kings his successors or to the said lords States General, by the treaties mentioned or by any other fortune, in whatsoever part of Europe the said states, towns, places, and districts may be situated, in such manner that if his Majesty or the kings his successors or the said lords States General shall be attacked or in any manner disturbed in the possession or enjoyment of the states, cities, places, and districts, rights, immunities, and liberties of navigation and commerce, or any other such of whatsoever nature, whether by sea or by land, which his Majesty or the said lords States General possess or enjoy or have a right to possess or enjoy, whether by common right or by treaties made or which may be made, as above said, then his Majesty and the said lords States General,

being notified and called upon, the one by the other, shall conjointly do all that is possible to the end that the disturbance or hostility shall cease and that the iniquities and injuries which have been committed on one of the allies shall be remedied.

4. And in case the said attack or disturbance shall be followed by open war, that one of the two allies who is not attacked shall be obliged to make open war three months after the first request from him who finds himself at war, and in that interval shall make every effort, through his ambassadors or other ministers, to arrange a just accommodation between the aggressor or disturber and the one who is attacked or disturbed, and meanwhile shall give aid of eight thousand foot-soldiers, well armed, in regiments and companies and with their colonels and other officers deemed appropriate, and shall deliver the said reinforcements and maintain them at his own expense, for the service of the one attacked or disturbed, throughout the whole time during which he is by this treaty not obliged to enter upon open warfare; and it shall be at the recipient's choice either to take the aid wholly in soldiers, or wholly in money, or partly in soldiers, money, ships, arms, munitions, or other things appropriate to the uses of warfare, in such manner that a thousand soldiers shall be rated equivalent to ten thousand florins a month, at the rate of exchange of the Bank of Amsterdam, counting twelve months to the year, the payment of them to be made in equal installments at the beginning of each month, and the money shall be delivered in Antwerp or Amsterdam respectively; but in case the said assistance is given partly or wholly in munitions, ships, or other things appropriate to the uses of warfare, the one assisted shall be obliged to go and receive them in the country of him who renders the aid, it being well understood that if the one aided desires to have cavalry or dragoons in part, the reckoning shall be made by taking for the number of the eight thousand men, or the part of them which the one attacked or disturbed shall solicit, each cavalryman or dragoon for three foot-soldiers; and when the aid is given in soldiers they shall be entirely subject to the command and orders of the one to whom they have been sent, to serve in the field, in encampments, in garrisons, and in all ways that need or utility may require, with the reservation however that the companies shall not be entirely separated one from another, but shall remain united under their own banners to the number at least of two or three hundred men of each regiment; and when the necessity of the situation shall require that the aid promised and granted should be increased, his said Majesty and the lords States General shall come to an agreement respecting this; and after the term of the said three months has expired, it shall remain at the option of the ally who is in open warfare to continue to enjoy the benefit of the said aid, in case the season or the circumstances cause him to prefer those effects to those of open warfare on the part of his ally.

5. When in conformity to the above the reciprocal guaranty, in case one of the allies shall be attacked or disturbed, has been established and promised and he has been obliged to enter into open warfare, the other ally shall be equally obliged to break with the aggressor or disturber and to employ all his power and forces, by sea and by land, and shall join them to those of the said attacked or disturbed ally, to reduce the common enemy to a suitable, secure, and just accommodation with both allies.

6. And in that case, the forces of his Majesty and the lords States General shall operate together or separately, according to what is more particularly arranged at that time between his said Majesty and the said States General, who shall consult and resolve together on the means most adequate for assur-

ing the common enemy, whether by diversion or otherwise, in order, as above said, to reduce him as speedily as possible to an accommodation.

7. And although, by what has been said at the end of the second article of the present treaty, the effect of this alliance is confined within the limits of Europe, nevertheless it is understood that if his Catholic Majesty or the said lords States General shall hereafter be attacked or in any manner disturbed in the possession of the states, towns, places, districts, rights, immunities, and liberties of navigation and commerce, or others of whatsoever nature, on sea or by land, which his Majesty or the said lords States General possess or enjoy or have a right to possess or to enjoy, outside of Europe, and in whatsoever part of the world, whether by common right or by treaties made previously or which may hereafter be made, as already said, his Majesty and the said lords States, having been notified and requested, the one by the other, shall unitedly do all that is possible to cause that the disturbance or hostility shall cease, and that reparation shall be made for the aggressions and injuries which have been inflicted on one of the allies; and that in case this can not be achieved in four months in friendly ways, and that that one of the allies who has been thus attacked or disturbed outside of Europe, in any part of the world, shall find itself obliged to employ its arms in Europe against the aggressor or disturber to reduce him to reason, that one of the two allies that has not been attacked or disturbed shall give, to the one who has been, the aid stated above, and shall immediately make open warfare upon the aggressor or disturber, in the same manner as if the attack or disturbance had been effected within the limits of Europe.

8. And when war has once been declared by both allies according to the present treaty, no suspension of arms against him who has been declared and recognized as an enemy shall be effected thereafter on the part of either of the two allies, except conjointly and by common consent.

9. But if it shall be the case that negotiation is entered upon, whether to treat of peace or of a truce of some years, it shall not be begun by one of the allies without the participation of the other, and without procuring that participation for him at the same time and equally early, together with the opportunity and security required and necessary for sending his representatives to the place of negotiation, nor without communicating successively, from time to time, all that shall go on in the said negotiation, and neither the one nor the other shall proceed to the conclusion of the said peace or truce without including in it his ally, and causing him to be placed, if he desires it, in possession of the districts, lands, places, and enjoyment of the rights and immunities which he held and enjoyed before the war, nor without stipulating from the common enemy for the ally the same rights, immunities, and exceptions and other prerogatives as for himself, unless the allies agree upon other arrangements.

10. And in order that the sincere intention which his Majesty and the said lords States General have, to establish between themselves and their states and vassals, mutually, by this present agreement, a most strict friendship and union for the good and peace of both, may be secured with so much the greater care against every sort of changes, it has been agreed, not only that his Catholic Majesty and the said lords States shall not hereafter agree to any arrangements contrary to this, but also that they shall not make any treaty without each including in it the other, if he desires, nor without giving sufficient and timely notice for declaring himself with a view to such inclusion.

11. And in order that this alliance which is made for the re-establishing and preservation of public tranquillity may be the more effective, the Emperor and

all of the kings, princes, and states who by common consent may be judged appropriate shall be invited to enter into it, and both parties shall negotiate for preserving in its full force the triple alliance of guaranty made for the preservation of the peace of Aix-la-Chapelle in favor of his Catholic Majesty when the present war with his Britannic Majesty is ended.

12. The treaty of peace and friendship made between the crown of Spain and the said lords States at Münster in 1648, and the maritime treaty made and signed on the seventeenth of December in 1650, and the guaranty of the peace of Aix-la-Chapelle promised by the said lords States General, and all other treaties made, shall be continually observed in all their articles, and his Majesty and the said lords States and the subjects of both shall enjoy all that is agreed and regulated therein, in respect to both public and private affairs.

13. But inasmuch as the said lords States General now find themselves engaged in a great and dangerous war with the Most Christian King and the King of Great Britain, as also with the Elector of Cologne and the Bishop of Münster, and as the plenipotentiaries of all these parties are assembled in Cologne to end it if possible by a treaty of peace which may give to Europe its former tranquillity and free the state of the United Provinces from the oppression to which they are now subject, his Majesty, to give the said lords States the final experience of his royal generosity, of the esteem with which he honors them, and of the care which he applies to their preservation, promises and pledges himself to contribute to the full extent of his powers to the success of the concluding of peace, without further delay, on the conditions which shall be deemed suitable for the common good, and to escape from the risks and calamities in which they find themselves; but in case this good purpose toward the conclusion of peace can not achieve the success which is desired, his Majesty will conjointly enter upon open warfare against his Imperial [*sic*] Majesty, thereupon and at the first request made by the said lords States General upon the lord Governor General of his Majesty in the Low Countries and Burgundy, to undertake thereupon in common concert operations for the advantage of the public good and the relief of the oppressed, and the said Governor General shall operate immediately with all his power and forces against the Most Christian King, as also his Majesty shall cause operations to be conducted, by sea and land, in other parts of Europe as has been said above, and these provisions as to the said Governor General shall come into operation even before the ratification of the present treaty has come from Spain, and the ratification by the said lords States General shall then be delivered without delay.

14. War having thus been made in common between his Majesty and the said lords States on the one side and the King of France on the other, his said Majesty and the said lords States bind themselves not to effect any suspension of arms without common consent, nor to continue the present congress assembled at Cologne, nor to enter anew hereafter into any negotiation of peace or several years' truce save in exact compliance with all that has been agreed upon in article IX.

15. And whereas many towns, places, and districts belonging to or under the government of the said lords States have been conquered, his Majesty binds himself not to make peace without causing said lords States to be reestablished in all the said towns, places, and districts of their government which are or which may hereafter be conquered, unless for the good of the said peace agreement is made in some other form.

16. And the said lords States, in recognition of this royal favor and of all the great aid with which they have been and still are assisted by his Majesty

in this war, in their most urgent need, bind themselves, after his Majesty shall have entered upon open war conjointly with them, not to make peace with his Most Christian Majesty without the consent of his Catholic Majesty, unless the latter has been established in the possession of all the towns, places, and districts that have been taken from him by his said Most Christian Majesty since the conclusion between the two crowns of the peace of the Pyrenees in 1670, unless for the good of the peace matters are otherwise agreed upon hereafter.

17. But as regards the other parties that may at that time be engaged in common warfare against his Majesty and the said States, those things shall be observed in the making of the peace which have been agreed upon above in article IX.

. . . . . .

19. This treaty shall continue for the space of twenty years, and before that time expires agreement shall be made as to the time which it shall continue for the common good, and this treaty shall be ratified by both parties two months after it has been signed, it being however understood that if the said States during that term shall be aided by the open making of war which his Majesty has promised them above in case peace can not be obtained as above said, in that case the said lords States shall deliver their act of ratification earlier, and without awaiting that of his Majesty. Done at the Hague on the thirtieth day of the month of August, one thousand six hundred and seventy-three. Don Manuel Francisco de Lira; C. van Beuningen; Gaspar Fagel; Johan de Mauregnault; Isbrant van Vierssen; Schato Gockinga.

Having seen and examined in our council the said treaty of new alliance it has been resolved by me and by the Most High and Most Serene prince Don Carlos the Second, king of Spain, my very dear and well beloved son, to approve and ratify it, as in virtue of the present I do approve and ratify, promising on my faith and royal word to fulfill it in the form in which it stands. In faith whereof I have ordered the present to be executed, signed with my hand, sealed with our privy seal, and countersigned by the subscribed secretary of state. Given in Madrid on the tenth of November one thousand six hundred and seventy-three.

I, the Queen.

Don Diego de la Faria.

Separate Article.

Although by the treaty concluded and signed this day between his Catholic Majesty and the lords States General of the United Provinces his said Majesty has engaged to enter into open warfare with France only in case peace can not be made on conditions deemed suitable, and though his Majesty could only with great regret see himself obliged to break the friendship which he has with the King of Great Britain, yet it being evident for various very conclusive reasons that if the said King of Great Britain persists in unwillingness to make peace with the said lords States the desired effect can not be expected from the employment of his Catholic Majesty's arms, unless they act in strict union with those of the said lords States against those who shall continue to persecute them in war without being willing to come to a just peace, It has been agreed, that if a prompt arrangement with his said Majesty of Great Britain can not be

reached, and all the efforts made toward that end or to be made through the good offices of his Catholic Majesty shall remain fruitless, his Catholic Majesty shall declare open war against the said King of Great Britain, the same as against the King of France; but in order that nothing may be neglected that can serve toward avoiding the said rupture, the said lords States, to satisfy the desires of his Catholic Majesty, and being otherwise greatly inclined toward all that may serve to renew the former friendship with the said King of Great Britain, shall continue to agree that a last effort be made to bring the said King of Great Britain to peace, by offering him the conditions mentioned below; it being understood that, if the said conditions are not accepted and peace with his said Majesty of Great Britain is not concluded within three weeks after the exchange of ratifications of the present treaty, in that case, and open warfare against France on the part of his Catholic Majesty having been begun, his Catholic Majesty will make war on the said King of Great Britain. And as to the said conditions which his Catholic Majesty may offer to the King of Great Britain and bind himself to cause to be accepted by the said lords States General in case his said Majesty of Great Britain is disposed toward peace with them on that basis, it has been agreed that, although the said lords States recognize no principle of justice or successful warfare obliging them to accept disadvantageous terms, and although the great expenses which they have been obliged to sustain and undergo, by reason of all the efforts against which they have with the aid of God defended themselves, release them from every thought of buying peace by undue concessions, yet to finish if possible the present war with his said Majesty of Great Britain, his Catholic Majesty, if he can not obtain peace for less, may offer to his said Majesty of Great Britain, in lieu of all claims he has made or may make against the said lords States: 1., an adjustment of the matter of the flag satisfactory to his Majesty of Great Britain; 2., a restitution, against reciprocal restitution, of all the countries and places which the arms of the said lords States have or may have conquered from the English during this war; and, 3. a sum of four, five, six, seven, or eight hundred thousand patacoons, to be paid on the following terms, to wit, one fourth at the same time with the exchange of ratifications of the treaty of accommodation, and the rest in three equal installments, one to be paid in the first year after the end of this war, another in the second year, and the last in the third year, and the said lords States shall give sufficient security for the said payment, satisfactory to the ministers of his Catholic Majesty.

Done at the Hague, on the thirtieth of August in the year one thousand six hundred and seventy-three.

MANUEL FRANCISCO DE LIRA.

VAN BEUNINGEN.
GASP. FAGEL.
J. DE MAUREGNAULT.
ISBR. VAN VIERSSEN.
SCATO GOCKINGA.

Addition to the Separate Article.

Whereas the separate article concerning England concluded this day between the undersigned minister and commissioners on behalf of his Catholic Majesty and the said lords States General of the United Provinces of the Netherlands has been agreed to by the lord Don Manuel Francisco de Lira, his Majesty's

envoy extraordinary, only on condition of the acknowledgment and approval that are to be awaited from Spain within four weeks after the signing of these presents, it has been agreed, to remove all scruple that might arise on that account, that articles XV. and XVI. of the treaty this day signed by the subscribers, touching what shall be observed in the negotiation of a peace after the entrance upon war in common, shall not be binding if, for lack of the said acknowledgment and approval, the said article concerning the King of Great Britain does not go into effect, it being however understood that, while the said acknowledgment and approval are being awaited, my lord the Governor General of the Low Countries having begun war, the said articles XV. and XVI. shall be observed, like all the others, even before the formal ratification of the said treaty. Done at the Hague, on the thirtieth of August, one thousand six hundred and seventy-three.

Manuel Francisco de Lira.

Van Beuningen.
Gasp. Fagel.
J. de Mauregnault.
Isbr. van Vierssen.
Scato Gockinga.

69.

Treaty of peace between Great Britain and the United Netherlands, concluded at Westminster, February 9/19, 1673/4. Ratification by Great Britain, February 10/20, 1673/4. [Ratification by the States General, March 6, 1674.][1]

Introduction.

Dismayed by the swift advance of the armies of Louis XIV. into the heart of the United Netherlands, the States General, under De Witt's leadership, resolved, in June, 1672, to send embassies to France and England to treat for peace.[2] Charles II. detained the Dutch ambassadors as virtual prisoners at Hampton Court; but sent Buckingham, Arlington, Halifax, and Monmouth to the camp of the French king to arrange a peace jointly with the French commissioners.[3] At Heeswijk, on July 16, an Anglo-French treaty was concluded.[4] It engaged each king anew not to make peace with the Dutch except with the other's consent,[5] and not to treat except on the basis of conditions agreed on between them.[6] England's terms included the lowering of the Dutch flag, even when entire Dutch fleets met a single English ship in British waters; permission for the English detained in the colony of Surinam (Dutch Guiana) to depart thence with their goods; £1,000,000 for the costs of the war; an annual rent of £10,000 for the herring fisheries; sovereignty of the Prince of Orange over such part of the United Provinces as should not be given to the two kings or their allies, or at least the perpetuity of the stadholdership in the prince's family; a treaty of commerce, with regulation of the East Indian trade; and the surrender of Sluys and other places on the Zeeland coast, as security. On the advice of Prince William of Orange, since early July stadholder of Holland and Zeeland and virtual ruler of the Republic, the States General rejected these terms.[7] The prince was bent upon making a separate peace with England, with the hope of eventually drawing her into an alliance against France. By means of very liberal offers, he strove to prevent Charles II., his uncle, from ratifying the treaty of Heeswijk. Failing in this, he tried to gain his end by secretly strengthening the opposition or country party in

[1] C. Hop and N. Vivien, *Notulen gehouden ter Staatenvergadering van Holland* (1903), pp. 432, 433.

[2] Mignet, *Négociations*, IV. 20 ff.; G. A. Lefèvre-Pontalis, *De Witt* (1885), II. 397.

[3] Accounts of this embassy are in H. C. Foxcroft, *Life and Letters of Sir George Savile, First Marquis of Halifax* (1898), I. 78 ff., and Lefèvre-Pontalis, *op. cit.*, II. 399 ff.

[4] The text of the treaty of Heeswijk is in J. Dumont, *Corps Diplomatique*, tom. VII., pt. I., p. 208.

[5] The treaty of Dover (see Doc. **63**) had provided against a separate peace with the Dutch.

[6] The conditions are given in Dumont, *op. cit.*, pp. 206, 207, and, in abstract, in Mignet, *op. cit.*, pp. 48, 49.

[7] Burnet's *History of My Own Time* (ed. O. Airy), pt. I., vol. I., pp. 591, 592; Lefèvre-Pontalis, *op. cit.*, II. 403, 404.

the English Parliament, which was averse to the war with the Dutch, to the French alliance, and to Catholicism.[8]

Another promising means to a separate peace was the mediation of Spain, provided for in the Spanish-Dutch treaty signed at the Hague on August 30, 1673.[9] In a separate article of that instrument, the States General had agreed that Spain should offer Great Britain, as conditions of peace, satisfaction with respect to the flag; a sum of from 400,000 to 800,000 crowns; and restitution of all places taken by the Dutch from the English during the war outside Europe, in return for a reciprocal restitution. The last condition was substituted for the cession of Sluys, on August 17, 1673, eight days after the Dutch had retaken New York.[10] If Great Britain failed to make peace on these terms within a specified period, Spain was to break with her. The Dutch believed that the danger of losing the Spanish trade would force England to a settlement.[11] But they feared that Spain's dread of an attack on her American possessions might lead her to avoid war with England at the expense of Dutch interests.[12] Spain disappointed them by her delay in delivering the ratification of the Hague treaty,[13] and by her request, made as late as January, 1674, for an alteration of the treaty to provide for the co-operation of the Dutch with the Spanish fleet, if necessary, even in the Indies, and especially for the reconquest of Jamaica.[14]

Negotiations for a general peace, begun at Cologne at the end of June, 1673, under the mediation of Sweden, were shared in by representatives of all the belligerent powers. The demands presented by the English plenipotentiaries were much the same as those previously made by Buckingham and Arlington. Sweden did not press the Dutch to accept them, since she was mainly interested in preserving the balance of power and averse from seeing the English established on the Zeeland coast.[15]

More effective probably than foreign mediation was the demand of the English people and Parliament for a separate peace.[16]

The Parliament that met early in the year 1672/3 refused to vote supplies for continuing the war until the king should withdraw the Declaration of Indulgence and should assent to the Test Act. The Parliament that assembled in October, 1673, aroused by the Duke of York's Catholic marriage, was still more fearful of the Catholic tendencies of the government, more hostile to France, and desirous of peace with the Dutch. The United Provinces, on the other hand, which, in the preceding months, had held their own against the English at sea, and formed alliances with Spain, the Emperor, and Lorraine,

[8] R. F. Fruin, "Willem III. en zijn Geheime Onderhandelingen met Karel II. van Engeland in 1672", in *Robert Fruin's Verspreide Geschriften* (1900-1905), IV. 338-356; Mignet, *op. cit.*, IV. 52, 53.
[9] Doc. **68.**
[10] J. L. Krämer, *De Nederlandsch-Spaansche Diplomatie*, p. 120.
[11] *Ibid.*, p. 126.
[12] *Ibid.*, pp. 140, 145.
[13] Doc. **68.**
[14] Krämer, *op. cit.*, pp. 133, 141-143.
[15] Wynne, *Life of Sir Leoline Jenkins*, I. 42, 44.
[16] *Cf.* below, note 27.

were in a stronger position than formerly. A few days before Parliament opened, the States General sent a trumpeter with an address to Charles II., asking for a renewal of friendship, and relating their efforts to obtain peace.[17] This address was drawn up on the very day on which the States received a detailed report of the recovery of New York by Dutch forces; and it reached London at the same time as that report.[18] Shaftesbury called it an appeal to the English people against their king,[19] and it doubtless helped to stiffen opposition to the war. At any rate the supply which the king asked for was refused by Parliament "unless it shall appear, that the obstinacy of the Dutch shall render it necessary; nor before this kingdom be effectually secured from the dangers of popery, and popish counsels and counsellors, and the other present grievances be redressed".[20] Suddenly, on November 4/14, the king prorogued Parliament until the following January. On November 7/17, he made an unsatisfactory reply[21] to the address sent by the trumpeter. This the States answered in a conciliatory manner on December 9/19, offering to renew the treaty of Breda (but with clearer regulation of the ceremony of the flag); to repair all injuries done by them to the English between the treaty of Breda and the outbreak of the war; and to restore New Netherland and all the other places and colonies taken by them during the war, being firmly persuaded that the King of England would not refuse to restore to them reciprocally the lands or ports that his subjects had taken from them.[22]

This offer accorded with the terms which the States had authorized Spain to urge, and which, on December 10/20, the Spanish ambassador at London, the Marqués de Fresno, proposed as a basis for peace.[23] Dissatisfied therewith, the English government demanded three additional articles, providing for a regulation of the East India trade; permission for the English to withdraw with their goods from Surinam; and abstention of the Dutch from fishing on the British coasts without special permission.[24] The terms of both parties having been thus set forth, their plenipotentiaries at Cologne, assisted by the Swedish mediators, strove to reach an agreement. But knowing that the English Parliament was on their side, the Dutch would not admit any mention of the fishery, or any regulation of the East Indian or Guinea trade, which they wished to refer to commissioners.[25]

Parliament, meanwhile, having assembled on January 7/17, was determined to end the war and other grievances. Despite the king's appeal for supplies for the war, both Houses opposed the continuance of hostilities against the Dutch and the league with France; and called for the suppression of popery and the removal of the king's evil counsellors.[26] To this strong opposition,

[17] Sylvius, *Saken van Staat*, bk. IX., pp. 684 ff.
[18] J. R. Brodhead, *Hist. St. N. Y.*, II. 247.
[19] Cobbett's *Parliamentary History*, vol. IV., col. 588.
[20] *Ibid.*, col. 602.
[21] Sylvius, *op. cit.*, bk. IX., pp. 690 ff.; Basnage, *Annales*, II. 463 ff.
[22] Sylvius, *op. cit.*, bk. IX., pp. 708 ff.; Basnage, *op. cit.*, II. 465 ff.
[23] *Ibid.*, II. 467, 468; *Parl. Hist.*, vol. IV., col. 615.
[24] Basnage, *op. cit.*, II. 468.
[25] Wynne, *op. cit.*, I. 239-295, *passim*.
[26] *Parl. Hist.*, vol. IV., cols. 611 ff.

and to Spain's threat of war, Charles felt compelled to yield.[27] On January 24/February 3, 1674, he caused to be laid before the House the project of a treaty drawn up and agreed to by the States General.[28] Of its five articles, the fourth provided for the mutual restoration of all places taken by either party from the other during the war. By this article the States offered Charles "the restitution of so considerable an acquisition as the New Netherlands, without hoping for anything in exchange".[29] Both Houses desired the king to conclude a peace with the States promptly.[30] At about the same time, having learned that the States and the provinces had resolved to make hereditary the offices held by the Prince of Orange, the king appointed Sir William Temple to negotiate peace at the Hague; but before his departure an express arrived from the States, empowering the Spanish ambassador to act for them in London. The king then ordered Temple to treat with Fresno,[31] and also commissioned the Lord Keeper Finch, Arlington, and others for the same purpose.[32] Temple and Fresno reached an agreement in three days,[33] and on February 9/19 the treaty was signed, to the great satisfaction of the English.[34] It was speedily ratified, and ratifications were exchanged on February 24/March 6, 1674.[35]

The treaty, which renewed the treaty of Breda,[36] met some, but not all, of the demands made by the English in 1672. Notably the surrender of towns on the Zeeland coast and the rent for the fishery were omitted. From the point of view of this volume its chief importance lies in the fact that it stipulated the restoration of New Netherland to Great Britain.

Bibliography.

Text: MS. An attested copy of the King of England's ratification of the treaty is in the P. R. O., St. Pap. For., Treaties, no. 312. The original from which this copy was made is in the Rijksarchief at the Hague.

Text: Printed. J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 253-255; *Actes et Mémoires des Négotiations de la Paix de Nimègue* (1697), I. 606; J. A. de Abreu y Bertodano, *Colección de los Tratados de Pas de España* (1751-1752), II. 17-30.

Translations: English. *A General Collection of Treatys* (1710), III. 275-281; G. Chalmers, *A Collection of Treaties* (1790), I. 172. **Spanish.** Abreu y Bertodano, *loc. cit.*

[27] Mignet, *op. cit.*, IV. 265. Arlington (Barbour. *Henry Bennet, Earl of Arlington,* 1914, p. 215) and Temple (*Works,* II. 246) refer to the impossibility of England's breaking with Spain. Krämer concludes that it was not the danger of war with Spain but the opposition of Parliament that determined Charles to make peace with the Dutch. But *cf.* Burnet's *History of My Own Time* (ed. O. Airy), pt. I., vol. II., p. 48 and notes.

[28] *Journals of the House of Lords,* XII. 617, 618.

[29] *Ibid.,* p. 616.

[30] *Ibid.,* p. 622; *Parl. Hist.,* IV. 659.

[31] Temple, *Works,* IV. 6, 7,

[32] *Cal. St. Pap. Dom.,* 1673-1675 (1904), p. 137.

[33] Temple, *Works,* IV. 16.

[34] *Cal. St. Pap. Dom., loc. cit.,* p. 154; *Letters to Sir Joseph Williamson* (ed. W. D. Christie, for the Camden Soc., 1874), II. 146.

[35] *Cal. St. Pap. Dom., loc. cit.,* p. 182.

[36] Doc. **57.**

References: Contemporary and early writings. *Journals of the House of Lords,* XII. 588 ff., 594 ff., 616-628, 649; Anchitell Grey, *Debates of the House of Commons from 1667 to 1694* (1763), II. 182 ff., 197 ff., 228 ff., 338 ff., 343 ff., 363 ff., 375 ff., 385; Cobbett's *Parliamentary History of England* (1806-1820), vol. IV., cols. 586 ff., 592 ff., 611, 613 ff., 621 ff., 660, 665; W. Wynne, *Life of Sir Leoline Jenkins* (1724), I. 1-297, *passim*; F. A. A. Mignet, *Négociations* (1835-1842), IV. 143-167, 221-271; *Letters addressed from London to Sir Joseph Williamson while Plenipotentiary at the Congress of Cologne in the Years 1673 and 1674* (ed. W. D. Christie for the Camden Soc., 1874), II. 31-158, *passim*; *Essex Papers* (ed. O. Airy for the Camden Soc.), I. (1890) 121, 131, 132, 153-180, *passim*; *The Works of Sir William Temple* (1814), II. 249-266, IV. 6-16; J. Basnage, *Annales* (1726), II. 458-470, 483, 492-499; A. van Wicquefort, *Histoire des Provinces-Unies* (ed. 1861-1874), IV. 579-584, 635-637; L. Sylvius [Lambert van den Bos], *Historien onses Tyds* (1685), bk. IX., pp. 649 ff., 659, 665, 673, 684, 685, 687 ff., 708 ff., bk. X., pp. 4-21; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), II. 527-531, 533-538, III. 207-216; Burnet's *History of My Own Time,* pt. I. (ed. O. Airy, 1897-1900), vol. II., pp. 23, 24, 45-50; T. Bebington, *The Earl of Arlington's Letters* (1701), II. 450-468.

References: Later writings. J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), II. 244-259; F. J. L. Krämer, *De Nederlandsch-Spaansche Diplomatie* (1892), pp. 125-150; J. Lingard, *The History of England* (1912-1915), IX. 214-216, 235-248; L. von Ranke, *England* (1875), III. 543-559; V. Barbour, *Henry Bennet, Earl of Arlington* (1914), pp. 189-239, *passim*; P. J. Blok, *History of the People of the Netherlands* (1898-1912), IV. 414-419; R. Lodge, *England from the Restoration to the Death of William* III. (1910), pp. 120-124, in W. Hunt and R. L. Poole, *The Political History of England,* VIII.; O. Klopp, *Der Fall des Hauses Stuart* (1875-1888), I. 356-368; J. Wagenaar, *Vaderlandsche Historie* (1782-1811), XIV. 293-301.

TEXT.[37]

Nos Carolus Secundus Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etc. constare volumus omnibus et singulis, quorum

[37] The text is taken from an attested copy in the P. R. O., Treaties, no. 312, of the English ratification preserved in the Rijksarchief at the Hague. The text is preceded by the following part of the attestation (translation): "The States General of the United Netherlands, to all those who shall see or hear read these presents, greeting. Be it known that we to-day the 29th of May, 1682, in our assembly have seen and viewed a certain original act of ratification of the King of Great Britain to the treaty of peace concluded between his Majesty and us at Westminster, February 9/19, in the year 1673/1674, the same being entirely clean and whole, without cancellation or erasure, written on parchment in the Latin language, the tenor whereof here follows, word for word, and reads thus":

The text is followed by the remainder of the attestation (translation): "[The treaty] is signed *Carolus R.,* and has the great seal of England depending from a gold and red silk cord.

"In testimony whereof we have caused these letters of *vidimus* to be made, and paraphed by the president of our assembly, signed by our clerk, and sealed with our seal. Done in our assembly in the above day and year. JOHAN BECKER v[idi]t.

"By ordinance of the aforesaid lords the States General. H. FAGEL."

Below the attestation is the following order for enrollment: "Itt being for his Ma[jes]tyes especialle service, I recommend it to the Hono[ra]ble the Master of the Rolls to take care that the before specified treaty be inrolled in chancery notwithstanding the warrant for the originall treaty be wanting. 7 Junii 1682. NOTTINGHAM, C[ustos].

"8 Junii 1682. Let it be enrolled accordingly. HAR[BOTTLE] GRIMSTON."

The treaty is enrolled on Treaty Roll No. 220.

interest aut quomodolibet interesse poterit, quod cum Serenissima domina Regina Regens Hispaniae conatus suos saepius adhibuerit ut pax et amicitia inter nos et Celsos ac Praepotentes dominos Ordines Generales Foederati Belgii redintegraretur, ipsique Ordines Generales pro eadem pace et amicitia recuperanda iteratas ad nos literas miserint, ac tandem illustrissimum et excellentissimum dominum Petrum Fernandez de Jovar et Velasco, marchionem de Fresno, Majestati suae Catholicae a cubiculis intimis, et Serenissimi ac Potentissimi principis domini Caroli Secundi, Hispaniarum, etc. regis apud eundem Serenissimum dominum Magnae Britanniae, etc. regem legatum extraordinarium, plena potestate muniverint (quemadmodum illa ad calcem hujus tractatus subjuncta est) ad tractandum eorum nomine et concludendum cum deputatis commissariis ac procuratoribus a parte nostra constitutis, et pari plena potestate (quae post finem hujus tractatus etiam adjicitur) ex parte nostra munitis: Qui quidem commissarii nostri cum praedicto domino Marchione de Fresno congressi sunt, ac cunctis utrinque deliberatis, tandem in tractatum sequentibus articulis expressum unanimiter consenserunt:

Quandoquidem ut extingueretur funestum illud bellum, quod inter Serenissimum et Potentissimum principem dominum Carolum Secundum, Magnae Britanniae, Franciae, et Hiberniae regem, Fidei Defensorem, etc. et Celsos ac Praepotentes dominos Ordines Generales Foederati Belgii nuper exortum etiam num flagrat non solum totius fere Christiani orbis suspiria efflagitaverunt, sed praecipue Serenissima domina Regina Hispaniae ex intuitu antiquae illius necessitudinis et amicitiae quae inter coronas Britannicam et Hispanicam semper intercessit, eo operam suam curamque adhibuit, ut dissidiis omnibus inter regnum Magnae Britanniae et Foederati Belgii provincias prorsus sublatis pax quantocijus restitueretur; Quumque praedicti Ordines Generales Foederati Belgii supranominatum Serenissimum dominum Magnae Britanniae Regem tam per literas suas quam per nuncia repetita flectere conati sint, ut conditionibus pacis aurem animumque accommodare vellet, atque ut pacifica negotiatio facilius feliciusque ad optatum exitum perduceretur, illustrissimo et excellentissimo domino Petro Fernandez de Jovar et Velasco, marchioni de Fresno, Majestati Suae Catholicae a cubiculis intimis, et Serenissimi ac Potentissimi principis domini Caroli Secundi Hispaniarum, etc. regis apud eundem Serenissimum dominum Magnae Britanniae, etc. regem legato extraordinario plenam potestatem dederint, ut eorum nomine atque ex eorum parte pacem pro iis cum praefato Serenissimo domino Magnae Britanniae Rege tractaret et concluderet; toties memoratus Serenissimus dominus Magnae Britanniae Rex, qui non nisi firmae ac duraturae pacis causa hoc bellum primo suscepit, interpositionem supradictae Serenissimae dominae Reginae Regentis Hispaniae tanti fecit, ut desideriis praememoratorum Ordinum Generalium in hac parte libenter accedere voluerit, adeoque ad pacis tractatum inter Majestatem suam dictosque Ordines Generales ineundum conficiendumque deputatos, commissarios, et procuratores suos, plena potestate munitos, nominavit et constituit perquam fidelem et praedilectum consiliarium suum intimum Heneagium baronem Finch de Daventry, magni Angeliae sigilli custodem, perquam fideles et praedilectos consanguineos et consiliarios suos intimos Thomam vice-comitem Latimer, summum Angliae thesaurarium, Jacobum, ducem de Monmouth, equestris turmae pro custodia Majestatis suae capitaneum, Jacobum ducem Ormundiae, hospitii regii seneschallum, Henricum comitem de Arlington, primariorum Majestatis suae secretariorum unum, et perquam fidelem ac praedilectum consiliarium suum intimum Henricum Coventry armigerum pri-

mariorum secretariorum alterum; Qui quidem commissarii ac deputati cum praefato domino Marchione de Fresno parem a praedictis Ordinibus Generalibus Foederati Belgii potestatem habente congressi et collocuti in haec demum pacta capitulaque tractatus et subsequentes articulos concordibus animis mutuo consenserunt conveneruntque, videlicet:

1. Conclusum et concordatum est, quod ab hoc usque die sit vera, sincera, et inviolabilis pax, unio, et amicitia inter Serenissimum ac Potentissimum dominum Magnae Britanniae Regem ac Celsos et Praepotentes dominos Ordines Generales Foederati Belgii eorumque respective subditos, tam intra quam extra Europam, in omnibus utriusque partis regionibus, dominiis, et locis quibuscunque.

2. Et quo vera est [*sic*] haec unio inter praefatum Serenissimum dominum Regem Magnae Britanniae et dictos dominos Ordines Generales citius effectum suum sortiatur, conventum ab iis et conclusum est, quod immediate post promulgationem hujus tractatus pacis omnes actus hostilitatis ab utraque parte statim prohibeantur, neque ullum diploma, commissio, vel instructio privatim vel publice, directe vel indirecte, ab alterutra parte detur nec foveatur, aut ullo modo permittatur ad infestandum, aggrediendum, oppugnandum vel spoliandum alterutrius res, dominia, vel subditos, verum e contrario subditis utriusque nationis stricte mandetur ut ubivis locorum pacate se invicem gerant et amice.

3. Quoniam vero distantiae locorum adeo variae sunt, ut mandata et directiones respective superiorum ad omnes subditos suos eodem tempore pervenire nequeant, visum est, pro actibus hostilitatum, aut vi in utramvis partem committenda, hosce limites subsequentes statuere, videlicet: Quod post expirationem duodecim dierum publicationem hujus tractatus proxime sequentium, nulla committatur hostilitas a termino in occidentali plaga Canalis Britannicae, vulgo the Soundings appellato, usque ad alterum terminum, qui Naz dicitur in Norvegia, neque post finem sex septimanarum a dicto termino the Soundings usque ad civitatem Tingitanam, neque post finem decem septimanarum in Oceano, Mari Mediterraneo, vel ullibi alias inter dictam civitatem Tingitanam et Aequatorem, neque post finem octo mensium in ulla orbis regione; et quicunque actus hostilitatis post expirationem praedictorum terminorum cujusvis prioris commissionis, literarum repressaliae, aut similium praetextu commissi fuerint pro illegitimis habebuntur, et actores ad reparationem et satisfactionem faciendum tenebuntur, atque ut publicae pacis violatores punientur.

. . . . . .

6. Conclusum et concordatum est, quod quaecunque terrae, insulae, oppida, portus, castella, aut fortalitia ab una parte capta sunt vel erunt ab altera ex eo tempore quo nuperum infelix bellum erupit, sive intra Europam vel alibi, et ante expirationem terminorum suprapositorum pro cessatione hostilitatis, priori domino ac proprietario restituentur, in eadem plane conditione qua fuerint tunc cum pax ista promulgabitur; post quod tempus nulla erit expilatio vel direptio incolarum, nulla fortalitiorum demolitio, nec asportatio tormentorum, pulveris, vel ullius bellici apparatus, quae ad ullum castellum aut fortalitium pertinebant eo tempore quo captum erat.

7. Quod tractatus Bredae conclusus anno Domini 1667, sicut etiam omnes alii praecedentes tractatus per illum tractatum confirmati, renoventur et maneant in plena vi ac vigore, in quantum praesenti tractatui nullatenus contradicunt.

8. Quod tractatus marinus Hagae Comitis inter partes utrasque anno Domini 1668 conclusus continuetur pro spatio novem mensium post hujus praesentis tractatus publicationem, nisi per subsequentem tractatum aliter provisum fuerit; interea autem ut consideratio novi super hac re tractatus ad eosdem commissarios referatur, ad quos commercium per Indias Orientales in arti-

culo proxime sequenti referetur; quod si tales commissarii intra tres menses post primum congressum suum in novum tractatum marinum ex voto non consenserint, tum res illa quoque ad arbitrium ac dispositionem Serenissimae dominae Reginae Regentis Hispaniae referetur eodem plane modo, quo commercii orientalis regulatio ad Majestatis suae arbitrationem in dicto articulo proxime sequenti refertur.

9. Eo quod a mutua et non turbata commercii ac navigationis libertate non solum opulentia, sed pax etiam utriusque nationis summopere pendet, nihil magis curae esse debet utrique parti quam justa et aequa commercii regulatio, et praecipue in Indiis Orientalibus; et tamen quia res est maximi momenti, et multum temporis requiret ut firmi ac duraturi articuli ad satisfactionem et securitatem subditorum utriusque partis conficiantur, cum tamen languens et paene intermoriens plerarumque Europae regionum conditio non minus quam duarum partium in hoc bello implicatarum ad properam hujus tractatus conclusionem anhelet, supramemoratus Serenissimus dominus Magnae Britanniae Rex votis et desideriis praedictorum Ordinum Generalium accedere dignatur, ut ejusdem consideratio aequali numero commissariorum ab utraque parte nominandorum referatur, iisdem Ordinibus Generalibus spondentibus ut illi quos ipsi nominaverint, Londinum mittantur, ad tractandum cum illis quos Majestas sua Britannica pariter a parte sua deputaverit, idque intra spacium trium mensium post hujus tractatus publicationem. Numerus item commissariorum utrinque nominandorum sex erit personarum. Sin autem post tres menses quam congressi fuerint eorum conatus non tam feliciter successerint ut tractatus inde concludatur, capita inter eos controversa ad arbitrationem Serenissimae dominae Reginae Regentis Hispaniae referentur, quae undecim commissarios nominabit; et quodcunque major eorum pars determinaverit in differentiis non prius compositis, id utramque partem obligabit; proviso semper, quod judicium suum declarent intra spacium sex mensium a die quo primum congredientur, quod etiam intra spacium erit trium mensium postquam Serenissima domina Regina Regens Hispaniae praedictum arbitrium in se susceperit.

. . . . . .

11. Quod altememoratus Serenissimus dominus Rex Magnae Britanniae et praefati Celsi ac Praepotentes domini Ordines Generales Unitarum Provinciarum omnia et singula capita in praesenti tractatu conventa et stabilita sincere et bona fide observabunt, perque suos subditos et incolas observari facient, neque illis directe vel indirecte contravenient, aut a suis subditis vel incolis contraveniri permittent, omniaque et singula ut supra conventa per literas patentes, manibus suis subscriptas, magnisque sigillis sigillatas ratihabebunt et confirmabunt in sufficienti, valida, et efficaci forma conceptas et exaratas, easdemque reciproce intra quatuor hebdomadas post datum praesentium (vel citius, si fieri poterit) tradent seu tradere facient, bona fide, realiter, et cum effectu.

12. Denique simulac dictae ratihabitiones utrinque exhibitae reciproce riteque commutatae fuerint, pax ista promulgabitur Hagae Comitis intra spacium viginti quatuor horarum post ratificationes ibi extraditas et commutatas.

Actum Monasterii 9/19 die Februarii, anno Domini 1673/4.

H. Finch C[usto]s
Latimer.
Ormonde.
Arlington.
H. Coventry.

El Marques
del Fresno.

[Here follow the powers granted by the King of Great Britain on February 5/15, 1673/4, and by the States General on February 2/12, 1674.]

Nos igitur Carolus Secundus, Dei gratia Magnae Britanniae, Franciae et Hiberniae rex, Fidei Defensor, etc., supradictos foederis articulos, tanquam ad mandata nostra confectos in omnibus suis clausulis laudavimus, approbavimus, et ratihabuimus, quemadmodum vigore praesentium laudamus, approbamus, et ratihabemus, nomine nostro ac verbo regio spondentes omnia et singula in eodem foedere contenta inviolabiliter et bona fide nos servaturos et impleturos esse, nec passuros ut a subditis incolisve regnorum aut dominiorum nostrorum ullo modo violentur vel contraveniantur; in quorum fidem majorem hasce praesentes manu nostra subscriptas magno nostro Angliae sigillo communiri jussimus. Actum apud Westmonasterium decimo die Februarii anno Domini millesimo sexcentesimo septuagesimo tertio/quarto regnique nostri vicesimo sexto.

CAROLUS R.

TRANSLATION.

We, Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., make known to all and singular whom it concerns or may in any way concern, that whereas the Most Serene lady the Queen Regent of Spain has made frequent efforts to restore peace and amity between us and the High and Mighty lords the States General of the United Netherlands, and the States General themselves have repeatedly sent letters to us, in behalf of restoring the said peace and amity, and at length have empowered with full powers (as they are annexed at the end of this treaty), the most illustrious and most excellent lord, Peter Fernandez de Jovar and Velasco, marquis of Fresno, of the privy bedchamber of his Catholic Majesty, and ambassador extraordinary of the Most Serene and Most Potent prince, lord Charles Second, king of Spain, etc., to the said Most Serene lord, the King of Great Britain, etc., to treat in their name and conclude with the deputy commissioners and attorneys, appointed on our part, and empowered on our part with like full powers, which are also added after the conclusion of this treaty; which commissioners of ours met with the aforesaid lord Marquis of Fresno, and after the whole matter had been deliberated by both sides, at length they unanimously agreed on this treaty set forth in the following articles:

Whereas, for the extinguishing of that fatal war, which, having lately broken out between the Most Serene and Most Potent prince, lord Charles Second, king of Great Britain, France, and Ireland, Defender of the Faith, etc. and the High and Mighty lords the States General of the United Netherlands, even now burns, not only the sighs of almost the whole Christian world have pleaded, but especially the Most Serene lady, the Queen Regent of Spain, out of regard to that ancient union and friendship which has always existed between the crowns of Britain and Spain, has bestowed care and pains in order that, all dissensions between the kingdom of Great Britain and the provinces of the United Netherlands being entirely removed, peace might be restored as quickly as possible; and whereas the aforesaid States General of the United Netherlands have tried to persuade the aforesaid Most Serene lord the King of Great Britain, as well by their letters as by repeated messages, to be willing to lend his ear and mind to conditions of peace, and, that the negotiation of peace might the more easily and happily be brought to its desired issue, have given

full powers to the most illustrious and most excellent lord Peter Fernandez de Jovar and Velasco, marquis del Fresno, one of the lords of the bedchamber to his Catholic Majesty, and ambassador extraordinary of the Most Serene and Most Potent prince lord Charles the Second, king of Spain, etc., with the said Most Serene lord King of Great Britain, etc., that in their name and on their part he might treat of and conclude a peace for them with the aforesaid Most Serene lord King of Great Britain; the said Most Serene lord the King of Great Britain, who at first undertook this war only for the sake of a firm and durable peace, has valued so highly the interposition of the aforesaid Most Serene lady the Queen Regent of Spain, that he willingly assented to the desires of the aforesaid States General in this respect, and in order to make and conclude a treaty of peace between his Majesty and the said States General he named and appointed as his deputies, commissioners, and procurators, vested with full powers, his very faithful and well-beloved privy councillor, Heneage, baron Finch of Daventry, keeper of the great seal of England, his very faithful and well-beloved kinsmen and privy councillors, Thomas, viscount Latimer, high treasurer of England, James, duke of Monmouth, captain of a troop of his Majesty's life guards, James, duke of Ormonde, steward of the king's household, Henry, earl of Arlington, one of his Majesty's principal secretaries, and his very faithful and well-beloved privy councillor, Henry Coventry, esq., the other of his principal secretaries. These commissioners and deputies, having met and conferred with the aforesaid lord Marquis of Fresno, who had like power from the aforesaid States General of the United Netherlands, with concordant minds mutually consented and agreed to these final pacts and chapters, treaties, and following articles; to wit:

1. It is concluded and agreed that from this day there shall be a true, sincere, and inviolable peace, union, and amity between the Most Serene and Most Potent lord the King of Great Britain, and the High and Mighty lords the States General of the United Netherlands, and their respective subjects, as well within as without Europe, in all the territories, dominions, and places whatsoever of either party.

2. And in order that this true union between the aforesaid Most Serene lord the King of Great Britain and the said lords the States General may the sooner attain its end, they have agreed and concluded that immediately after the promulgation of this treaty of peace, all acts of hostility shall at once be prohibited by either party, and no writ, commission, or instruction shall be given or supported or in any way permitted by either party, privately or publicly, directly or indirectly, to molest, attack, assail, or despoil the possessions, dominions, or subjects of the other, but on the contrary the subjects of both nations shall be strictly commanded to behave to each other everywhere peaceably and amicably.

3. But since the distances of places are so various that the commands and directions of the respective superiors cannot reach all their subjects at the same time, it has seemed proper to assign the following limits for the acts of hostility or violence that might be committed against either party: viz., that after the expiration of the twelve days next following the publication of this treaty, no hostility shall be committed from the limit in the western quarter of the British Channel, commonly called the Soundings, to the other limit, called the Naze in Norway, nor after the end of six weeks from the said limit of the Soundings as far as the city of Tangier, nor, after the end of ten weeks, in the Ocean, Mediterranean Sea, or elsewhere between the said city of Tangier and the Line, or after the end of eight months in any part of the world; and whatever acts of hostility shall be committed after the expiration of the aforesaid terms, under

pretext of any former commission, letters of reprisal, or the like, shall be deemed illegal, and the authors shall be obliged to make reparation and satisfaction, and shall be punished as violators of the public peace.

. . . . . .

6. It is agreed and concluded that whatsoever lands, islands, towns, ports, castles, or forts have been or shall be taken by one party from the other, either within Europe or elsewhere, from the time when the late unhappy war broke out, and before the expiration of the terms above mentioned for the cessation of hostilities, shall be restored to the former lord and proprietor in exactly the same condition in which they shall be at the time when this peace shall be proclaimed. After that time, there shall be no plundering or pillaging of the inhabitants, no demolition of fortresses, nor carrying away of guns, powder, or other military stores, that belonged to any castle or fort at the time when it was taken.

7. That the treaty of Breda, concluded in the year of our Lord 1667, as also all other preceding treaties, confirmed by that treaty, shall be renewed and remain in full force and validity, in so far as they do not in any wise contradict the present treaty.

8. That the marine treaty concluded at the Hague, between the two parties, in the year of our Lord 1668, shall be continued for the period of nine months after the publication of this present treaty, unless a subsequent treaty shall provide otherwise; and that meanwhile consideration of a new treaty on this matter shall be referred to the same commissioners to whom the trade in the East Indies is referred in the article next following; but if such commissioners shall not agree on a new marine treaty within three months after their first meeting, then that matter shall also be referred to the arbitration and disposal of the Most Serene lady the Queen Regent of Spain, in precisely the same manner as the regulation of Eastern trade is referred to the arbitration of her Majesty in the said article next following.

9. And since it is on the mutual and undisturbed freedom of commerce and navigation that not only the wealth but also the peace of both nations in the highest degree depends, nothing should be of more concern to both parties than a just and equitable regulation of trade, especially in the East Indies. And nevertheless, because the matter is of the greatest moment, and it will require much time to draw up firm and durable articles to the satisfaction and security of the subjects of both parties, and since on the other hand the feeble and dying condition of most of the countries of Europe, as well as of the two parties involved in this war, makes them desire eagerly the speedy conclusion of this treaty, the aforesaid Most Serene lord the King of Great Britain deigns to accede to the wishes and desires of the aforesaid States General, to have the consideration of this matter referred to an equal number of commissioners to be named by each party, the said States General engaging to send their appointees to London, to treat with those similarly deputed by his Britannic Majesty on his behalf, and this within the period of three months after the publication of this treaty. Moreover the number of the commissioners to be named by each side shall be six. But if within three months after they have first assembled their efforts have not had such good success as to lead to the conclusion of a treaty, the points in dispute shall be referred to the arbitration of the Most Serene lady the Queen Regent of Spain, who shall name eleven commissioners. Any decision of the majority of these as to the differences not previously composed shall bind both parties; provided always that they render

their decision within the period of six months from the date of their first meeting, which shall be within three months after the Most Serene lady the Queen Regent of Spain shall have undertaken the aforesaid arbitration.

. . . . . .

11. That the aforesaid Most Serene lord King of Great Britain and the aforesaid High and Mighty lords the States General of the United Provinces shall observe sincerely and in good faith, and shall cause their subjects and inhabitants to observe, all and singular the articles agreed on and concluded in the present treaty, and they shall not contravene them directly or indirectly, or permit their subjects or inhabitants to contravene them, and shall ratify and confirm them all and singular as above agreed, by letters patent, drawn up and written in sufficient, valid, and effectual form, signed by their own hands, and sealed with their great seals, and they shall deliver or cause the same to be delivered reciprocally within four weeks after the date of these presents (or sooner if possible), in good faith, really, and effectually.

12. Lastly, as soon as the said ratifications shall have been reciprocally exhibited and duly exchanged on both sides, this peace shall be published at the Hague within the space of twenty-four hours after the ratifications have been delivered and exchanged there.

Done at Westminster, February 9/19, in the year of our Lord 1673/4.

H. Finch, Keeper.
Latimer.
Ormonde.
Arlington.
H. Coventry.

El Marques del Fresno.

[Here follow the powers of the commissioners.]

We therefore, Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., have commended, approved, and ratified the aforesaid articles of treaty, as made in accordance with our commands, in all their clauses, as, by force of these presents, we do commend, approve, and ratify them, promising in our name and by our royal word, that we will observe and fulfill all and singular contained in the said treaty, inviolably and in good faith, nor will we suffer them to be violated or contravened in any way by the subjects or inhabitants of our kingdoms or dominions. For the greater faith of these, we have ordered these presents, subscribed by our hand, to be secured by our great seal of England.

Done at Westminster, February 10, in the year of our Lord 1673/4, and the twenty-sixth of our reign.

Charles, King.

70.

Marine treaty between Great Britain and the United Netherlands, concluded at London, December 1/11, 1674. Ratification by the States General, January 18/28, 1675.

INTRODUCTION.

In accordance with the eighth and ninth articles of the treaty of Westminster,[1] English and Dutch commissioners met in London in the summer of 1674, to frame a regulation of trade, especially in the East Indies, and a marine treaty to replace that of February, 1668.[2] Negotiations began about the first of September. The English promptly brought forward a draft of a marine treaty, and somewhat later the draft of a treaty regarding the East India trade.[3] The former, which alone concerns us here, was laid before Charles II., who took an active interest in the labors of the English commissioners, and frequently ordered them to attend upon him.[4] The draft of the marine treaty did not stipulate that its provisions were to apply generally to the entire world. Indeed, on September 24, the English commissioners resolved against such a stipulation.[5] They soon changed their minds, however, for when an amended *projet* was laid before the Dutch commissioners an article—the sixteenth—had been added, extending the treaty to all the world. The Dutch disapproved of this article. They did not wish the treaty to extend to the East India trade, concerning which they desired a separate instrument.[6] On the other hand, they urged the insertion of an article permitting either party to trade to and from the ports of the other, without distinction as to the place from which the wares came, or payment of any customs not paid by the natives of the port.[7] Such an article being contrary to the Navigation Act,

[1] Doc. **69.** See also pp. 235-236, 239-240.

[2] The treaty is in Dumont, *Corps Diplomatique,* tom. VII., pt. I., pp. 74-76; and, in translation, in G. Chalmers, *Collection of Treaties,* I. 161-171.

[3] P. R. O., St. Pap. For., Holland, no. 196.

[4] *Ibid.,* nos. 196, 197.

[5] *Ibid.,* no. 196.

[6] The article substituted by the Dutch was as follows: "Conventum denique est, quod hic tractatus solummodo locum habebit in partibus Europae, et quod alius tractatus ab hoc separatus conficietur pro regulatione navigationis et commerciorum in Indiis, ita ut ab uno tractatu ad alium non possit fieri argumentatio." P. R. O., St. Pap. For., Treaty Papers, no. 48, Oct. 7, 1674.

[7] "Utque aequitate et libertate omnimoda commercia inter utramque nationem magis magisque efflorescant, et secundum exactam aequi bonique normam uberrime hincinde exerceantur, conventum et cautum est ut subditis unius partis liceat cum suis navibus ad ditiones et portus alterius partis undiquaque quaslibet merces advehere, atque inde evehere, nulla distinctione habita loci unde provenerint vel ubi factae sunt, neque fas sit ab iis plus portorii aut vectigalis exigere pro advectione aut evectione talium mercium neque pro navibus quae eas vehunt quam ab indigenis pro mercibus cum suis navibus advectis ipsisque illorum navibus persolvitur, sed deinceps ex more fidelium amicorum omnes subditi Serenissimi Magnae Britanniae Regis in portubus et fluminibus Foederati Belgii eodem favore recipientur et simili libertate fruentur ac si Belgae Foederati essent et incolae Unitarum Provinciarum, et vice versa, Serenissimus Magnae Britanniae Rex eadem benevolentia prosequetur subditos Dominorum Ordinum, ac si Angli essent et incolae regni Anglicani." *Ibid.*

the English commissioners would not hear of it, declaring that they could not alter the laws of England. With regard to limiting the marine treaty to Europe, they argued that neither the eighth article of the treaty of Westminster, nor the marine treaty of 1668, mentioned any such limitation. " The bounds of the seas of Europe are not known, nor can be marked out ", said they, and consequently, " the making of a treaty marine for Europe separately, would, instead of making trade and navigation more certain, subject the shipping on both sides to further and endless disputes and controversies." [8] To the argument that the English could not change the Navigation Act, the Dutch commissioners replied that contracts between two nations involved the alteration of laws, and that the statute of 1650 and the restrictive laws following it were certainly no better than other laws, since their beginnings were in a Parliament that had usurped the kingly power.[9] As to the difficulty of determining the bounds of Europe, they offered to extend the limits " to such a degree of longitude that no controversies shall hereafter arise touching the same, unless it be in distinguishing the districts of the privileges which are granted to several companies trading out of Europe, as well in this kingdom as in our state ". They urged that it had been customary to make separate treaties for India, and that some treaties included articles of free trade to each other's lands and countries " which would not fitly agree to the Indies ".[10]

Vain were the arguments of the Dutch. By the fourth article of the recent treaty of Westminster, the States General had confessed England's superiority on the sea. They could not prevent her from making laws for it.[11] On November 30 the Dutch commissioners agreed to a marine treaty valid throughout the entire world; but to prevent other nations from inferring that all treaties were for the whole world, the States General asked to be permitted to make two instruments of the same tenor, giving to one the title of the treaty for Europe and other parts of the world, and to the other the treaty for the East Indies.[12] On the following day the treaty was signed. Like other marine treaties, it prescribed rules for the neutral trade of the subjects of either party with the enemies of the other. It defined contraband, and gave a list of non-contraband articles which included tobacco.[13] Its sixteenth article

[8] P. R. O., St. Pap. For., Treaty Papers, no. 48, under date of Oct. 19, 1674.

[9] *Cf.* above, Doc. **42**, introduction, pp. 8-9.

[10] Treaty Papers, *ubi sup.*, under date of Nov. 9.

[11] The English East India Company wished the marine treaty to be extended to all parts of the world. On Nov. 30, 1674, the foreign committee (of the Privy Council), after the English commissioners had produced a paper " That his Majesty insists that by the VIII. article of the Treaty of London [Westminster] he has a right to demand that the treaty marine which is now negotiated upon is to be a general treaty marine ", agreed that the Dutch ought to consent to this. P. R. O., St. Pap. For., Holland, no. 197, Nov. 25, 26, 30, 1674.

[12] *Ibid.*

[13] The English government, in opposition to the French, long maintained that victuals were contraband. *Cf. Treaties*, vol. I., p. 297, art. 20 (Doc. **33**); but from 1667 until the last quarter of the eighteenth century they adopted the French view. The treaty of 1674 appears to be the first in which tobacco is specified among non-contraband articles. During the war between Spain and the States General, Spaniards seized an English ship laden with tobacco for the United Netherlands. In the Spanish maritime court the Spaniards argued that tobacco should be regarded as a food; that at any rate by its use

provided that the governors of the English East India and African companies, the directors of the Dutch East and West India companies, and the chief officers of the Dutch and English colonies, should enforce the treaty throughout the world.

Bibliography.

Text: MS. The ratification by the States General of the United Netherlands is in the P. R. O., St. Pap. For., Treaties, no. 313.

Text: Printed. *Resolutien van de Heeren Staten van Hollandt ende West-Vrieslandt,* Nov. 21–Dec. 24, 1674, pp. 87-95; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 282-284.

Translations: English. G. Chalmers, *A Collection of Treaties* (1790), I. 177-189. **Dutch.** *Groot Placcaet-Boek* (1658-1797), III. 352-357; L. Sylvius [Lambert van den Bos], *Historien onses Tyds* (1685), bk. X., pp. 157-160.

References: Contemporary and early writings. *Secrete Resolutien van de Staten van Hollandt ende West-Vrieslandt* (1653-1790), III. 429, 430; *Works of Sir William Temple* (1814), IV. 64, 93, 94.

References: Later writings. J. Wagenaar, *Vaderlandsche Historie* (1770-1789), XIV. 338.

Text.[14]

Ordines Generales Foederatarum Belgii Provinciarum notum testatumque facimus universis et singulis quorum scire interest, quod cum inter Regiam suam Majestatem Magnae Britanniae ex una, et nos ex altera parte, per dominos Thomam, baronem Culpeper, Georgium Downingh equitem et baronettum, Richardum Ford, Guilielmum Tomson equites, Johannem Jollif et Johannem Buckworth armigeros, commissarios ex parte altememoratae Regiae suae Majestatis Magnae Britanniae, et dominos Johannem Corver et Aegidium Sautin, civitatis Amstelodamensis consiliarios et senatores, Samuelem Beyer et Andream van Vossem civitatum Rotterodamensis et Enchusensis respective consiliarios et syndicos, Petrum Duvelaer civitatis Medioburgensis exconsulem et Michaelem Michaelson civitatis Vlissinganae scabinum et consiliarum, ex parte nostra deputatos, sufficienti utrinque mandato instructos, Londini prima/undecima die mensis Decembris anni millesimi sexcentesimi septuagesimi quarti proxime elapsi tractatus de rebus maritimis sequentem in modum initus et conclusus sit.

Quandoquidem pace restabilita inter Serenissimum et Potentissimum principem dominum Carolum Secundum, Dei gratia Magnae Britanniae Franciae et Hyberniae regem, Fidei Defensorem, etc., et Celsos et Praepotentes dominos Ordines Generales Foederati Belgii per tractatum Westmonasterii nono/decimo nono die Februarii anno Domini millesimo sexcentesimo septuagesimo tertio/quarto conclusum, articulis octavo et nono provisum fuit, ut sex commissarii ex parte dicti Serenissimi domini Magnae Britanniae Regis nomin-

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the consumption of food was prolonged. The English offered medical evidence establishing that "tobacco smoke is not nutritious". Judgment was given in favor of the Spaniards, in their own court; but the English appealed to their own sovereign, who then granted letters of reprisal against the Spaniards. R. Zouch, *Juris et Judicii Fecialis . . . Explicatio, An Exposition of Fecial Law and Procedure* (ed. T. E. Holland, trans. J. L. Brierly, in the series of *Classics of International Law,* Washington, 1911, I. 131, 132, II. 125, 126); quoted by T. Twiss, *Law of Nations (War)*, sect. 127, p. 249.

[14] The text is taken from the ratification by the States General in the P. R. O., St. Pap. For., Treaties, no. 313.

andi, cum totidem commissariis ex parte dictorum dominorum Ordinum Generalium Londinum mittendis, novum ibi tractatum marinum conficerent.

Quumque in eum finem dominus Thomas baro Culpeper, Georgius Downing eques et baronettus, Richardus Ford, Guilielmus Thompson equites, Johannes Jollif et Johannes Buckwoorth armigeri, commissarii ex parte supramemorati Serenissimi domini Magnae Britanniae Regis deputati; item domini Johannes Corver et Aegidius Sautin civitatis Amstelodamensis consiliarii et senatores, Samuel Beyer et Andreas van Vossem civitatum Roterodamensis et Enchusensis respective consiliarii et syndici, Petrus Duvelaer civitatis Medioburgensis exconsul, et Michael Michaelson civitatis Vlissingae scabinus et consiliarius, commissarii ex parte dictorum dominorum Ordinum Generalium Londinum missi, saepius congressi sint, et sermones ea de re ultro citroque habuerint; tandem secundum literas plenae potestatis utrinque exhibitas (quarum exemplar in calce hujus tractatus insertum est) in articulos sequentes pro tractatu marino per omnes et singulas universi orbis regiones et partes terra marique observando juxta tenorem praefati octavi articuli unanimiter et ex voto consenserunt.

. . . . . .

16. Conventum denique et conclusum est, quod praesens tractatus omniaque et singula in eo contenta, quam mature fieri poterit, respective rati habebuntur et confirmabuntur, quodque ratificationes desuper habitae intra duos menses a data presentium numerandos reciproce et rite inter partes permutabuntur; dictusque porro tractatus intra unum mensem post ejusmodi permutationem ratificationum tam apud gubernatores Communitatum hinc Anglicanarum per Indiam Orientalem et Africam commercia exercentium, quam apud directores Communitatum illinc Belgicarum per Indias Orientales et Occidentales commercia itidem exercentium in debita et authentica forma deponetur, et tam a Regia Majestate supramemorata, quam a praefatis Dominis Ordinibus ad suos respective coloniarum et locorum in quacunque orbis regione extra Europam sitarum gubernatores et praefectos cum prima quaque occasione transmittetur, in eum finem ut ab illis et ab omnibus aliis intra ditiones suas et sub eorum potestate respective degentibus quam exactissime observetur et perimpleatur.

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In quorum omnium et singulorum fidem et robur nos altememoratae Regiae Majestatis suae et praefatorum dominorum Ordinum Generalium commissarii, facta nobis ad id sufficienti potestate, hisce tabulis nomina nostra subscripsimus illasque sigillis nostris signavimus Londini primo die Decembris millesimo sexcentesimo septuagesimo quarto. Signatum erat:

Tho. Culpeper.	J. Corver.
G. Downing.	G. Sautyn.
Richard Ford.	Samuel Beyer.
Will. Thomson.	And. van Vossen.
John Jollif.	P. Duvelaer.
John Buchworth.	M. Michielson.

[Here follow the full powers given by the King of England on June 21, 1674, and by the States General on September 1, 1674.]

Cumque simul etiam convenerit ut ejusdem initi et conclusi tractatus de rebus maritimis ratihabitiones intra duos menses a die subscriptionis reciproce et rite inter partes permutentur, nos huic conventioni satisfacientes eundem

de rebus maritimis tractatum initum et conclusum per omnia et singula approbavimus, confirmavimus, et ratihabuimus, quemadmodum hisce approbamus, confirmamus, et ratum habemus, promittentes insuper nos omnia et singula in praefato tractatu contenta bona fide praestituros et adimpleturos, omnique ratione impedituros ne a nostris vel aliis ullo modo violentur. In cujus rei fidem hasce majoris sigilli nostri appensione muniri, per consessus nostri praesidem signari curavimus, ut et per primarium graphiarium nostrum subscribi jussimus. Actum in consessu nostro die vigesimo octavo Januarii anni millesimi sexcentesimi septuagesimi quinti.

D. VAN WYNGAERD.

Ad mandatum altememoratorum Dominorum Ordinum Generalium.

H. FAGEL.

TRANSLATION.

We, the States General of the United Provinces of the Netherlands, make known and testify to all and singular whom it concerns, that whereas between his Royal Majesty of Great Britain on the one part, and us on the other part, by the agency of Lord Thomas, baron Culpeper, Sir George Downing, knight and baronet, Sir Richard Ford and Sir William Thompson, knights, John Jollif and John Buckworth, esquires, commissioners on behalf of his aforesaid Royal Majesty of Great Britain, and Messieurs Johan Corver and Gilles Sautin, councillors and schepens of the city of Amsterdam, Samuel Beyer and Andries van Vossem, councillors and pensionaries of the cities of Rotterdam and Enkhuisen respectively, Pieter Duvelaer, former burgomaster of the city of Middelburg, and Michiel Michielson, schepen and councillor of the city of Flushing, deputed on our behalf, and furnished with sufficient instructions by both sides—a treaty regarding marine affairs was entered into and concluded in the following manner, at London, December 1/11, 1674.

Whereas upon the restoration of peace between the Most Serene and Most Mighty prince, lord Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., and the High and Mighty lords the States General of the United Netherlands, by the treaty concluded at Westminster on February 9/19, 1673/4, it was provided in the eighth and ninth articles that six commissioners, to be named on behalf of the said Most Serene King of Great Britain, with the same number of commissioners to be sent to London on behalf of the said lords the States General, should there make a new marine treaty, and whereas to this end Lord Thomas, baron Culpeper, Sir George Downing, knight and baronet, Sir Richard Ford and Sir William Thompson, knights, John Jollif and John Buckworth, esquires, commissioners deputed on behalf of his aforesaid Most Serene Majesty the King of Great Britain, and Messieurs Johan Corver and Gilles Sautyn, councillors and schepens of the city of Amsterdam, Samuel Beyer and Andries van Vossem, councillors and pensionaries of the cities of Rotterdam and Enkhuisen respectively, Pieter Duvelaer, former burgomaster of the city of Middelburg, and Michiel Michielson, schepen and councillor of the city of Flushing, commissioners sent to London on behalf of the said lords the States General, having often met and debated concerning this matter to and fro, at length, in accordance with their full powers exhibited on both sides (a copy of which is inserted at the foot of this treaty), according to the tenor of the said eighth article, have unanimously and with one consent agreed to

the following articles for a marine treaty to be observed throughout all and singular the countries and parts of the entire globe, by land and sea.

. . . . . .

16. Lastly, it is agreed and concluded that the present treaty and all and singular therein contained shall be ratified and confirmed on both sides as soon as possible, and that within two months from the date of these presents the ratifications thereof shall be duly and reciprocally exchanged between both parties. Moreover, within one month after such exchange of the ratifications, the said treaty shall be deposited, in due and authentic form, with the governors of the English East India and African companies, and, on the other hand, with the directors of the Dutch East and West India companies, and shall, on the first opportunity, be also sent by his said Royal Majesty and also by the lords the States General to their respective governors and commanders-in-chief of their colonies and places situated in any part of the world outside Europe, to the end that it may be observed and fulfilled as exactly as possible by them and by all others dwelling within their respective dominions and under their power.

. . . . . .

In testimony and confirmation of the premises, all and singular, we, the commissioners of his Royal Majesty, and of the lords the States General, aforesaid, being sufficiently empowered hereunto, have subscribed our names to these presents, and sealed them with our seals, at London, December 1, 1674. It was signed:

Thomas Culpeper.	J. Corver.
G. Downing.	G. Sautyn.
Richard Ford.	Samuel Beyer.
Will. Thomson.	And. van Vossem.
John Jollif.	P. Duvelaer.
John Buckworth.	M. Michielson.

[Here follow the full powers given by the King of England on June 21, 1674, and by the States General on September 1, 1674.]

And whereas it was at the same time agreed that the ratifications of this treaty, entered into and concluded respecting maritime affairs, should be reciprocally and duly exchanged between the parties within two months from the day of signing, we, in satisfaction of this agreement, have approved, confirmed, and ratified, as by these presents we do approve, confirm, and ratify, in all and singular, the said treaty entered into and concluded respecting maritime affairs, promising moreover that we will perform and fulfill in good faith all and singular contained in the aforesaid treaty, and prevent them by every means from being violated in any way by ourselves or others. In faith whereof, we have caused these presents to be confirmed by the appending of our great seal, and to be signed by the president of our assembly, and have also ordered them to be subscribed by our chief secretary. Done in our assembly, January 28, 1675.

D. van Wyngaerd.

By command of the aforesaid lords the States General.

H. Fagel.

71.

Treaty of defensive alliance for ten years between the United Netherlands and Brandenburg, concluded at Cöln on the Spree, February 26/March 8, 1677/8. Ratification by the United Netherlands, August 6, 1678.

Introduction.

Soon after England and France attacked the United Netherlands, in the spring of 1672, the Elector of Brandenburg, Frederick William, known afterwards as the Great Elector, boldly and disinterestedly allied himself with the Dutch.[1] Although compelled, as he felt, to conclude peace with Louis XIV. in June of the following year, the elector's sympathies remained with his co-religionists,[2] to whose alliance he returned a year later.[3] But after the invasion of his territories by the Swedes in 1675, and his absorption in the struggle against them, his relations with the States General cooled.

Diverging interests drew the allies apart. On account of their commercial interests, the States were unwilling to break with Sweden, and the activities of the privateers fitted out for the Great Elector in the ports of Zeeland jeopardized their relations with the Swedish government.[4] The States were also offended by the elector's withdrawal of auxiliary troops which they needed against the French.

The elector, on his part, had grievances against the Dutch: their failure to give subsidies and other aid due against Sweden; the eagerness of their peace party to make terms with France at almost any price; the treaty for promoting peace concluded between the States General and Great Britain on December 31, 1677/January 10, 1678,[5] after the marriage of the Prince of Orange to an English princess; and their support of the claims of the Duke of Brunswick and the Bishop of Münster to the exclusive appropriation of Bremen and Werden, in whose conquest from Sweden Brandenburg troops had shared.[6]

[1] A. Waddington, *Le Grand Électeur, Frédéric Guillaume de Brandebourg*, II. 243-265.
[2] *Ibid.*, pp. 311 ff.
[3] The text of the alliance, with French translation, is in *Actes et Mémoires des Négociations de la Paix de Nimègue* (1680), I. 655 ff. The text is also in Dumont, *Corps Diplomatique*, tom. VII., pt. I., pp. 267-269.
[4] R. Schück, *Brandenburg-Preussens Kolonial-Politik unter dem Grossen Kurfürsten* (1889), I. 81 ff., and *cf.* Doc. **67.**
[5] The text is in Dumont, *op. cit.*, pp. 341, 342. For the significance of the treaty, see Waddington, *op. cit.*, p. 391.
[6] For relations between the States General and the elector at this time, see *Urkunden und Actenstücke*, III. 120-126, XVIII. 445 ff.; Waddington, *op. cit.*, II. 367 ff., 374 ff., 382 ff., 391.

To persuade the elector to accept a convention made at the Hague regarding the Bremen-Werden affair, and to treat for a league more permanent than the existing war-alliance, the States General, in the spring of 1676, despatched Jacob van der Tocht to the court of Berlin, where his negotiations, which were not continuous, extended over a period of nearly two years. As a result of these negotiations, a defensive alliance was concluded on February 26/ March 8, 1678, to last for ten years after the end of the war. It stipulated that in case either party were attacked in its territories, commerce, and rights, the other party should aid it with specified numbers of infantry and cavalry. It further expressly provided that the same aid should be given if hostilities occurred in Europe in consequence of an attack upon the territories, rights, and freedom of navigation and commerce, enjoyed by either party, *even outside Europe, in any part of the world.* This provision seems to have been proposed by the Dutch, and although Oberpräsident Otto von Schwerin, the head of the Brandenburg commissioners, observed that it was somewhat dubious (*bedenklich*), yet he agreed to it.[7] Probably he was the more ready to consent, because of the elector's intention to organize an overseas trade with stations in Africa and the West Indies.[8]

The elector, displeased at the stand taken by the Dutch in the general peace conference at Nymwegen, delayed in ratifying the treaty. But near the end of January, 1678/9, ratifications were finally exchanged at the Hague.[9]

Bibliography.

Text: MS. The ratification by the States General is in the Geheimes Staatsarchiv at Berlin-Dahlem.

Text: Printed. (Dutch.) J. Dumont, *Corps Diplomatique* (1726-1731), vol. VII., pt. I., pp. 342-347.

Translation: French. J. Dumont, *loc. cit.*

References: Contemporary and early writings. *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg* (1864, etc.), III. (ed. H. Peter) 463-517, *passim,* XVIII. (ed. F. Hirsch) 146-199, 231, 674, *passim*; *Holland, Secrete Resolutien* (1669-1677), III. 554-559, 563, 564; S. von Pufendorf, *De Rebus Gestis*

[7] *Urkunden und Actenstücke,* III. 515. It is of interest to note that in the negotiations for the treaty of defensive alliance between the United Netherlands and Great Britain signed on Mar. 3/13, 1678 (P. R. O., St. Pap. For., Treaties, no. 321), the Dutch wished the alliance and mutual guaranty of rights and possessions to extend beyond the limits of Europe, but the English would not agree to this (P. R. O., Treaty Papers, no. 49, espec. June, 1677; Foreign Entry Book, no. 179; Holland, *Secrete Resolutien,* 1678, pp. 20, etc.). The first article of the treaty provided for "ferme et perpetuelle amitié et bonne correspondance, tant par mer que par terre, en tout et par tout, tant dehors que dedant l'Europe"; but the alliance, art. 2, was "dans l'estendue de l'Europe seulement".

[8] On Feb. 14/24, 1678, B. Raulé, recently appointed director-in-chief for the maritime affairs of Brandenburg, advised that in case this closer alliance were made with Holland, care must be taken that the elector's subjects might go to the places where the Dutch companies had no *comptoirs.* Schück, *op. cit.,* II. 73. In the summer of 1679 the elector tried to obtain for his subjects the right of importing Guinea negroes into the French Antilles. *Ibid.,* I. 135, n. 5.

[9] *Urkunden und Actenstücke,* XVIII. 231, n. 2.

Friderici Wilhelmi Magni Electoris Brandenburgici Commentariorum Libri Novendecim (1733), tom. II., lib. 16, sects. 97-100.

References: Later writings. *Urkunden und Actenstücke,* III. 450, 451, XVIII. 120-126; A. Waddington, *Le Grand Électeur Frédéric Guillaume de Brandebourg* (1908), II. 392, 393.

TEXT.[10]

De Staten General der Vereenighde Nederlanden, allen den genen, die desen sullen sien ofte horen lesen, salut. Doen te weten, alsoo opden xxvi Februarii/viii Maart lestleden tot Cöln aande Spree tusschen den Heere Jacob vander Tocht, raadt, out-burgermeester, ende pensionaris der stadt Goude, onsen extraordinaris envoyé aan syne Churfurstelyke Doorluchtigheyt van Brandenburgh uyt onsen name ter eenre, ende den hooghwaardigen, hooghwelgeboren heer Otto, vryheer van Schwerin, heer van Oudenlandtburgh, etc., erff-camerheer der Chur- ende Marck-Brandenburgh ende domproost vande hooge stifts kercke tot Brandenburgh, syne Churfurstelyke Doorluchtigheyts van Brandenburgh geheyme ende ook leenraadt ende opper president, etc., als mede den hoog-edel geboren heer Christoffel van Brandt syne Churfurstelyke Doorluchtigheyts van Brandenburgh geheyme raadt ende cancelier in Nieumarck, ende den hoogh-edelen gestrengen heer François Meynders hooghged, syne Churfurstelyke Doorluchtigheyts geheyme raadt, uyt den naam ende van wegen syne Chur-furstelyke Doorluchtigheyts van Brandenburgh ter andere zyde, in krachte van wederzydts procuratien ende volmachten, staande aant' eynde deses geinsereert, is gemaakt, gesloten, ende getekent op approbatie ende ratificatie vanderselver hoge principalen een nader alliancie ende verbintenisse ten besten van wedersydts landen ende onderdanen, waar van den inhout hiernaar van woorde te woorde volght geinsereert.

Nadien tusschen de Hoogh Mogende heeren, heeren Staten Generaal der Vereenighde Nederlanden ende den Doorluchtighsten furst ende heere, heere Fredrick Wilhelm, markgrave van Brandenburgh, des Heyligen Roomschen Rycx aarts camerheer en churfurst (t:tit:), als ook syne Churfurstelyke Doorlughtigheyts heeren voorvaderen, markgraven ende churfursten van Brandenburgh hooghloffelyker gedagtenis, niet alleen t'allentyden goede vriendschap, correspondentie, ende nabuyrlyk vertrouwen geweest, maar ook door de van tydt tot tydt ende na vereysch der conjuncturen opgeregte alliancien dermaten onderhouden ende bevestigt geworden is, dat die ten desen effecte ende werkinge nogh ten huydigen dage, sonderlinge by de jegenwoordige van anno 1672 aff ontstane oorlogen te bespeuren syn, ende aan den dagh leggen, ende soo wel haar Hoogh Mogentheden als syne Churfurstelyke Doorluchtigheyts by sigh overwogen hebbende de bysondere grote nuttigheyt welke niet alleen harer beyderzyds landen ende luyden daardoor albereyts aangewassen is, maar ook int' toekomende door een eensgesinde 'tsamenspanning en nadere verbintenisse te verwaghten staat; soo syn sy wederzyds daarhenen te rade gewerden op sulk een alliancie en bestendige verbintenisse te dencken, waardoor de tot nu toe goede intelligentie ende verstant niet alleen onder haar bewaart, maar ook tot beyderzyds landens ende onderdanens sekerheyt, bescherminge, ende welvaart op de nakomelingen gebracht en voortgeplant mogen werden. Tot welken eynde sy dan beyderzyds hare ministers ende raden, namentlyk haar Hoogh Moghende den heere Jacob van der Tocht, raadt,

[10] The text is from the ratification by the States General, preserved in the Geheimes Staatsarchiv at Berlin-Dahlem.

out burgermeester, ende pensionaris der stadt Gouda, ende syne Chur-furstelyke Doorluchtigheyt den hooghwaardigen, hooghwelgeboren heer Otto, vryheer van Schwerin, heer van Oudenlandsburg, etc., erffkamerheer der Chur en Mark Brandenburg ende domproost van de hoge stifts-kercke tot Brandenburgh, syne Chur-furstelyke Doorluchtigheyts van Brandenburgh geheyme ende oock leenradt en opper-president, etc., alsmede den hoogh edelgeboren heer Christoffel van Brandt, syne Churfurstelyke Doorluchtigheyts van Brandenburgh geheyme raadt ende syne Chur-furstelyke Doorluchtigheyts cancelier inde Nieuwmark, ende den hooge edel gestrenghen heere François Meynders, syne Chur-furstelyke Doorluchtigheyts van Brandenburgh geheyme raadt, etc., als hare hier toe gevolmaghtigde extraordinaire gedeputeerden gecommitteert ende geordonneert hebben, welke sigh daarop te samen hebben gevoeght, ende zyn naar hinc inde geproduceerde ende uytgewisselde volmachten ook verscheyden gehoudene conferentien op de navolgende pointen ende articulen, in name harer hoge principalen en op derselver approbatie ende ratificatie onder den anderen overeengekomen ende vergeleken.

1. Dat blyvende het tractaat tusschen den staat van haar Hoogh Moghende ende syne Chur-furstelyke Doorluchtigheyt over den tegenwoordigen oorlogh opgereght, in syn geheel, geconvenieert ende verdragen is, dat naar t' eyndigen van desen oorlogh tusschen beyde hoghe parteyen, te weten den staat der Vereenighde Nederlanden ende syne Chur-furstelyke Doorluchtigheyt van Brandenburgh, desselffs hoghe nakomelingen ende successeuren, voort en voort eene bestendige correspondentie ende vriendtschap zyn en blyven, ende in krachte van deselve den eenen des anderen beste soecken ende bevorderen, maar schade ende nadeel affkeren ende daar van waarschouwen zall.

2. Dienvolgende soo het gebeurde dat syne Chur-furstelyke Doorluchtigheyt in alle ende yder van syne havenen en landen in en buyten het Roomsche Ryk geene uytgesondert die syne Chur-furstelyke Doorluchtigheyt toebehorende zyn, ofte hiernamaals toebehoren zullen, geweldsamer wys van yemand wie hy ook zy, aangetast, in syne gerechtigheden, hoogheden, commercien, ende rechten gekrenkt en geturbeert off daaraan verhindert wierde, so zullen de Hoogh Mogende Heeren Staten Generaal der Vereenighde Nederlanden gehouden zyn, ook beloven hetselve hiermede aan syne Chur-furstelyke Doorluchtigheyt en syne successeuren, tot afsweringe van sulk geweldt, indraght, en hindernisse met vier duysent vyff hondert man te voet en vyffthien hondert te paart op hare eygen kosten te hulp te komen, ende daarmede soo lange te continueren tot dat syne Chur-furstelyke Doorluchtigheyt en syne landen in ruste en sekerkeyt gestelt zullen zyn, en hy wegens syne geledene schade vande gewelddoenderen satisfactie bekomen zall hebben.

3. Hiertegens versprecht en belooft syne Chur-furstelyke Doorluchtigheyt in diergelyken val, indien haar Hoogh Mogende in de Vereenighde Nederlanden ofte in derselver onderhorige aangrensende landschappen, steden, ofte plaatsen geattaqueert ofte aan hare hoogheden, domainen, commercie, ofte eenige andere rechten indraght ofte geweldt aangedaan moghte werden, deselve te lande met drie duysent man te voet, en duysent te paardt, van gelyken tot den eynde van den oorlogh ende verkregene satisfactie ende sekerkeyt toe, op syne Chur-furstelyke Doorluchtigheyts kosten te assisteren; dat deselve secourssen ook plaats zullen hebben en by syne Chur-furstelyke Doorluchtigheyt moeten gepresteert worden, so wanneer haar Hoogh Mogende te water zouden mogen werden geattaqueert, tot sulken effecte dat de militie die syne Chur-furstelyke Doorluchtigheyt in dat geval haar Hoogh Mogende sall komen toe te schicken in de guarnisoenen geleyt ofsook wel buyten de

Geunieerde Provincien tot affbreuk van den vyand te lande geemployeert zall mogen werden. Gelyk mede geconvenieert is, dat by aldien de Staten Generaal ofte syne Chur-furstelyke Doorluchtigheyt hierna mogten werden geattaqueert ofte in eeniger maniere, hoe het ook mogte zyn, getroubleert int besit ofte gebruyk van staten, steden, plaatsen, ende landen, rechten, vrydommen, en vryheyt van navigatie, commercie, ofte eenige andere hoedanig die ook mogen zyn, te water ende te lande, die hooghstgemeldte Heeren Staten Generaal ofte syne Chur-furstelyke Doorluchtigheyt besitten ofte genieten, selffs buyten Europa en in welke delen van de werelt het magh zyn, off door t'allgemeyne recht off door tractaten alrede gemaakt off die hiernamaals gemaakt mochten werden, de hooghstgemeldte Heeren Staten ende syne Chur-furstelyke Doorluchtigheyt zullen, den eenen van den anderen geadverteert ende versoght zynde, gesamenderhand haar uytterste best doen, om die ontrustinge en vyandtlycke bejegeninge te doen ophouden, ende te repareren het geweld en ongelyk dat aan een van de geallieerden gedaan is, ende indien sulx binnen den tydt van vier maanden niet kan geeffectueert werden door minnelyke wegen, en dat de geallieerden die soodanigh geattaqueert en getroubleert werdt buyten Europa, in wat deel van de wereldt het ook magh zyn, sigh genootsaakt vind syne wapenen tegens den attaquant ofte turbateur binnen Europa te gebruyken om hem tot reden te brenghen, zall den geallieerde die niet geattaqueert ofte getroubleert is, aan den geattaqueerden het voorsegde secours geven, even eens als off de attaque en trouble gedaan was binnen Europa.

4. Waarby dan goet gevonden en versproken is, dat het een deel het ander in tyden van gevaar, narightgeven ende hulpe, na gedane requisitie, ten langhsten binnen ses weken gedaan werden zall.

5. Waar het ook zake dat de int tweede en derde articul gedetermineerde hulpe tot volkomene affweringe des gewelds ende nootdruks, daartegens deselve verschaft werdt, niet toereyken moghte, so zall deselve na vereysch van de omstandigheyt, gevaar, ende sterkte des vyandts met sulken maght en middelen vermeerdert werden als tot derselver terugh dryven nodigh geoordeelt zall werden, edogh met dien verstanden, dat de contraherende partyen yder maal daar over en op wat conditie sulcx geschieden sall, sigh int bysonder zullen hebben te vergelyken.

. . . . . .

10. De commercie en handel zall tusschen beyderzyds onderdanen sonder eenige verhinderinge off ophoudinge gedreven en voortgeset werden, en zall dienvolgende beyder parthyen ofte harer onderdanen schepen vry staan in beyderzyds havenen uyt en in te loopen off daarinne stil te leggen.

. . . . . .

16. Ende zall dese alliantie duyren den tydt van thien jaren naar de expiratie van den jegenwoordigen oorlogh, en werdt van nu aff aan vastgestelt dat de hooghstgemeldte partyen contrahenten om de voorsegde alliantie, soo veel doenlyk is, eewigdurende te maken, ende vervolgens daar aan te meerder nadruk te geven, een jaar voor d'expiratie van de voorsegde thien jaren by den anderen zullen komen, ofte hare gemagtighden tot dien eynde behoorlyk geinstrueert in den Hage senden, om over de prolongatie van de jegenwoordighe alliantie nader te convenieren.

17. De approbatie ende ratificatie van dese alliantie zall van wegen den staat der Vereenighde Provincien als ook van wegen syne Chur-furstelyke Doorluchtigheyt yder van syne zyde binnen twee maanden naar t'sluyten ende onderteykenen desselffs daarop volghen.

Aldus gedaan, vergeleken, ende gesloten by beyderzydts hoge geallieerdens bovenstaande ministers, raden, ende extraordinaris gedeputeerde, ook van deselve onderteykent, en met hare gewoonlyke signature bezegelt, tot Coln aan de Spree, den xxvi Februarii/viii Martii anno XVI^{c} acht en tzeventigh.

Jacob van Tocht. Otto V. von Schwerin.
Christoff van Brandt.
Frantz Meynders.

[Here follow the powers given by the States General on February 19, 1677, and by the Elector of Brandenburg on January 8, 1678.]

Soo ist, dat wy de voorsegde nadere alliantie in allen syne pointen ende articulen hebben geapprobeert, geconfirmeert, ende geratificeert, gelyk wy die approberen, confirmeren, ende ratificeren, mits desen belovende sinceerlyken, oprechtelyken, ende ter goeder trouwen de voorsegde nader alliancie naar syne forme ende inhouden onverbreeckelycken naar te komen, te onderhouden, ende observeren, ook te doen naarkomen, onderhouden, ende observeren, sonder ter contrarie yetwes te laten doen ofte geschieden, directelyken ofte indirectelycken, in wat manieren ofte onder wat pretext het ook zoude mogen wesen. Des t'oirkonden hebben wy desen met onsen groten zegele doen bevestighen, door den presiderende in onse vergaderinge laten parapheren, ende door onsen eersten griffier doen tekenen, in den Haghe den sesden Augusti des Jaars XVI^{c} acht en 'tzeventigh.

W. van Hinckelem v[idi]t
Ter ordonnantie vande hooghgem[eldten] Heeren Staten General.
H. Fagel.

Translation.

The States General of the United Netherlands to all those who shall see these or hear them read, greeting. We notify that, in virtue of credentials and full powers on both sides, which are inserted at the end of this, and for the benefit of the lands and subjects of both parties, a closer alliance and union has been made, concluded, and signed, subject to the approbation and ratification of the high principals, on February 26/March 8 last, at Cöln on the Spree, between Jacob vander Tocht, councillor, ex-burgomaster, and pensionary of the town of Gouda, our envoy extraordinary to his Electoral Highness of Brandenburg, acting in our name, on the one side, and the very reverend noble lord Otto, baron of Schwerin, lord of Alt-Landsberg, etc., hereditary chamberlain of Electoral Brandenburg and the Mark, and dean of the cathedral of Brandenburg, privy councillor, feudal councillor, and upper-president to his Electoral Highness of Brandenburg, and also the noble lord Christoff von Brandt, privy councillor to his Electoral Highness of Brandenburg and chancellor in the Neumark, and the noble lord Frantz Meynders, privy councillor to his Electoral Highness of Brandenburg, these acting in the name and on behalf of his Electoral Highness of Brandenburg, on the other side, of which treaty the contents, word for word, here follow:

Whereas not alone has good friendship, correspondence, and neighborly confidence at all times existed between the High and Mighty lords the lords States General of the United Netherlands and the Most Serene prince and lord, lord Friedrich Wilhelm, margrave of Brandenburg, arch-chamberlain and elector of the Holy Roman Empire and his Electoral Highness's forefathers, margraves and electors of Brandenburg of laudable memory, but

also these sentiments have been to such degree upheld and confirmed by the alliances concerted from time to time according to the demand of the circumstances, that they are to be traced to the present day, to this effect and result, especially during the present wars begun in 1672, and are plainly to be seen, and both their High Mightinesses and his Electoral Highness have been convinced of the especially great advantage which not only has thereby come to the lands and people of both, but also is in the future to be expected from a harmonious union and closer relation; they have accordingly, on both sides, been brought to think of such an alliance and permanent connection, whereby not only the previous good understanding may be preserved between them but also the security, protection, and welfare of the lands and subjects of both may be continued to posterity and extended. To which end they have commissioned and ordained as their extraordinary plenipotentiaries for that purpose their respective ministers and councillors, namely, their High Mightinesses have appointed Jacob vander Tocht, councillor, ex-burgomaster and pensionary of the city of Gouda, and his Electoral Highness the very reverend noble lord Otto, baron of Schwerin, lord of Alt-Landsberg, etc., hereditary chamberlain of Electoral Brandenburg and the Mark, and dean of the cathedral at Brandenburg, privy councillor, feudal councillor, and upper-president to his Electoral Highness of Brandenburg, and the noble lord Christoff von Brandt, privy councillor to his Electoral Highness of Brandenburg and his Electoral Highness's chancellor in the Neumark, and the noble lord Frantz Meynders, privy councillor to his Electoral Highness of Brandenburg, who have applied themselves to this together and, after mutual exhibition and exchange of full powers and the holding of various conferences, have in the name of their high principals, and subject to their approbation and ratification, agreed upon the following points and articles:

I. That, the treaty continuing in full force which has been concerted between the state of their High Mightinesses and his Electoral Highness respecting the present war, it is agreed and held that, after the end of this war, permanent correspondence and friendship shall exist and continue between both the high parties, to wit, the state of the United Netherlands and his Electoral Highness of Brandenburg and his exalted posterity and successors continually, and in virtue of the same each shall seek and promote the good of the other and shall ward off harm and disadvantage and give warning of the same.

II. Accordingly if it shall happen that his Electoral Highness shall in any of his harbors and lands within or without the Roman Empire belonging now or hereafter to his Electoral Highness, none excepted, be attacked or injured or disturbed or hindered in his privileges, prerogatives, commerce, and rights, then the High and Mighty lords States General of the United Netherlands shall be held, and they hereby promise it to his Electoral Highness and his successors, to come to his help at their own expense with 4500 foot and 1500 horse to the warding off of such force, violence, and hindrance, and to continue therewith until his Electoral Highness and his lands have been put in rest and security, and till he shall have received satisfaction from the aggressors for the injury suffered.

III. Correspondingly his Electoral Highness promises, in similar case, if their High Mightinesses have been attacked in the United Netherlands or in neighboring territories, towns, or places subject to them, or in their prerogatives, domains, commerce, or any other rights have suffered violence or force, to assist them by land, at the cost of his Electoral Highness, with 3000 foot and 1000 horse, similarly, to the end of the war and the obtaining of satisfaction

and security; and that the same aid shall also take place and be afforded by his Electoral Highness whenever their High Mightinesses shall be attacked by water, to such effect that the troops which his Electoral Highness shall in that case supply to their High Mightinesses may either be brought into the garrisons or employed outside the United Provinces for the repulse of the enemy by land. It is also agreed that whenever the States General or his Electoral Highness may hereafter be attacked or in any manner whatever troubled in the possession or use of states, towns, places, lands, rights, harbors, freedom of navigation, commerce, or anything else, on water or on land, which the aforesaid lords States General or his Electoral Highness have possessed or enjoyed, even outside Europe and in whatever parts of the world, appertaining to them either by general right or through treaties already made or that hereafter may be made, the aforesaid lords States and his Electoral Highness, the one being notified and requested by the other, shall jointly do their best to restrain the disturbance and hostile actions and to obtain amends for the violence and harm that has been done to one of the allies, and if this can not be achieved by friendly means within the period of four months, and if the allies who are attacked and troubled outside Europe, in whatever part of the world, find themselves compelled to use their arms against the attacker or disturber within Europe to bring him to reason, the ally that is not attacked or troubled shall give the aforesaid help to the one attacked, even as if the attack and trouble was made within Europe.

IV. Respecting this it is determined and promised that one party shall in time of danger, on request, give enforcement and help within six weeks at the longest.

V. In case the help specified in articles II. and III. shall not suffice for the complete warding off of the violence and aggression against which it is directed, it shall, as circumstances, the danger, and the strength of the enemy may require, be increased with such force and means as shall be judged necessary toward the repelling of the same, yet with this understanding, that the contracting parties are to come to an agreement each time thereon, and as to the conditions under which it shall be done.

. . . . . .

X. Commerce and trade shall be carried on and advanced between the subjects of both parties without any hindering or interruption, and accordingly the ships of both parties or of their subjects shall be free to go in or out of each other's harbors, or to remain therein.

. . . . . .

XVI. This alliance shall continue for the period of ten years after the expiration of the present war, and it is from now on determined that the aforesaid contracting parties, in order to make the aforesaid alliance, so far as may be, perpetual, and thereby to give it the greater validity, shall come together one year before the expiration of the aforesaid ten years, or send to the Hague their commissioners suitably instructed to that end, in order to agree further concerning the prolongation of the present alliance.

XVII. The approbation and ratification of this alliance shall take place, on the part both of the state of the United Provinces and of his Electoral Highness, within two months after the conclusion and signing of the same.

Done, agreed upon, and concluded by the ministers, councillors, and extraordinary deputies of both the high allies, and signed by them and sealed with

their customary seals, at Cöln on the Spree, February 26/March 7, in the year one thousand six hundred and seventy-eight.

Jacob van Tocht.

Otto V. von Schwerin.
Christoff van Brandt.
Frantz Meynders.

[Here follow the powers given by the States General on February 19, 1677, and by the Elector of Brandenburg on February 8, 1678.]

Accordingly we have approved, confirmed, and ratified, and do approve, confirm, and ratify, the aforesaid closer alliance in all points and articles, therewith promising sincerely, rightly, and in good faith to support, sustain, and observe the aforesaid closer alliance according to its form and content, inviolably, and to cause it to be supported, sustained, and observed, without allowing anything to be done or to happen to the contrary, directly or indirectly, in any manner whatever or under any pretext.

In testimony whereof we have caused this to be verified with our great seal, countersigned by our president in our assembly, and signed by our first secretary, in the Hague the sixth of August of the year one thousand six hundred and seventy-eight.

W. van Hinckelem, vidit.

By order of the aforesaid lords States General.

H. Fagel.

72.

Treaty of neutrality between subjects of Great Britain and subjects of France in the West Indies, concluded between the governors of the English and French parts of the island of St. Christopher, at Sandy Point, May 9/19, 1678. Ratified by the governor-in-chief of the British Leeward Islands, May 12/22, 1678. Ratified by the governor of the French islands in America, June 2, 1678. Not ratified by the home governments.

INTRODUCTION.

As early as May 13, 1627, the French and English in the West Indian island of St. Christopher had agreed that if war broke out between their countrymen in Europe they themselves would not begin hostilities unless expressly commanded by their sovereigns, and then only after giving one another notice.[1] After several renewals, this "treaty of neutrality" was again signed in January, 1666, the very month that Louis XIV. joined the Dutch in their war against England.[2] News of Louis's declaration of war did not reach the West Indies until April, and meanwhile the French officials there, in accordance with instructions from the newly organized French West India Company, strove to persuade the English governor, Lord Willoughby, to consent to a more general treaty of neutrality, that should include not only the Caribbees, but also Jamaica, and provided for a full month's notice of the commencement of hostilities.[3] This the English did not accept.[4] In 1678, when the English in the Leeward Islands were inferior in strength to the French,[5] and were dreading an attack from D'Estrées's powerful fleet,[6] Sir William Stapleton, governor of the Leeward Islands, was surprised by an offer of a new treaty of neutrality, from de Blénac, governor general of the French Antilles.[7] The offer was very pleasing to both the governor and the planters. Stapleton informed the Lords of Trade and Plantations that De

[1] The text of the treaty is in Du Tertre, *Histoire Générale des Antilles habitées par les François* (1667-1671), I. 18-20. The eighth article reads as follows: "S'il arrive guerre en l'Europe entre les François et Anglois, pour cela ne pourront lesdits Sieurs se faire la guerre, s'il ne leur est expressement commandé par leurs princes; et en cas de tel commandement, seront obligez de s'entre-avertir auparavant de faire aucun acte d'hostilité." On this treaty, see C. S. S. Higham, *Development of the Leeward Islands*, pp. 32, 33,

[2] See above, Doc. **57**, p. 119. The text of the treaty is in Du Tertre, *op. cit.*, III. 280, 281. The neutrality clause included a provision that "thrice twenty-four hours'" grace should be given after the order to begin hostilities was communicated to the enemy governor.

[3] The proposed provisions are stated in Du Tertre, *op. cit.*, III. 288.

[4] Higham, *op. cit.*, pp. 43, 44.

[5] *Ibid.*, pp. 100-105.

[6] Du Tertre, *op. cit.*, III. 282.

[7] *Cal. St. Pap. Col.*, 1677-1680, no. 665; Higham, *op. cit.*, p. 111.

Blénac had empowered St. Laurens, governor of the French part of St. Christopher, to treat with him or with the governor of the English part of that island, for the continuance of friendship,[8] and asked for powers to conclude a peace, similar to the powers held by De Blénac.[9] Anxious to close with the French offer as promptly as possible, and feeling that, under the circumstances, his own instructions "to do anything which may tend to the safety and security of the islands under his government" authorized him to enter into a compact so advantageous to the English planters and merchants, Stapleton empowered the governor of the English part of St. Christopher to negotiate.[10] On May 9/19, 1678, the two governors of St. Christopher, assisted by other commissioners, signed the treaty printed below. Its principal provision was for peace, amity, and neutrality between the islands governed by De Blénac and Stapleton, respectively.[11] The third article stipulated that all that had been "done by virtue and in explication of the treaty of Breda" was to be fully observed, only excepting the Act of Trade. Hostages were to be given by either party, and two of these were to be sent to Europe to petition the kings of France and Great Britain to ratify the instrument.

De Blénac and Stapleton ratified the treaty, but the government at Paris refused to confirm it unless its scope were broadened so as to include Jamaica and Barbados.[12] "They could never agree to exempt the weakest of the English plantations from attack, and yet leave themselves liable to attack from the stronger islands."[13] The English government consented to this enlargement of the neutral field, provided that the clause relating to the treaty of Breda were altered so as to safeguard English interests.[14] Commissioners were appointed who drew up a *projet* with some new provisions.[15] France, however, was unwilling to substitute this for the earlier treaty, which she again offered to ratify, if extended to Jamaica and Barbados.[16] The home governments, being unable to reach an agreement, never ratified the treaty; yet the document is of interest as an important step toward the more comprehensive treaty of neutrality concluded between the French and English, in 1686, with reference to all of America.[17]

Bibliography.

Text: MS. The original manuscript of the treaty is preserved in the P. R. O., C. O. 1 : 42, ff. 250-253.

Text: Printed. It is believed that the text has not been printed hitherto.

[8] *Cal. St. Pap. Col.*, 1677-1680, no. 665.
[9] *Ibid.*, no. 687.
[10] See below, text, p. 260.
[11] Among the French Islands was St. Croix, one of the Virgin Islands, which later passed to Denmark, and recently to the United States.
[12] *Cal. St. Pap. Col.*, 1677-1680, nos. 1007, 1032.
[13] Higham, *op. cit.*, p. 114.
[14] *Cal. St. Pap. Col.*, 1677-1680, nos. 1019, 1021.
[15] *Ibid.*, nos. 1043, 1065, 1066. The powers of these commissioners are preserved in the British Museum, Add. Ch. 39942.
[16] *Cal. St. Pap. Col.*, 1677-1680, no. 1151.
[17] See below, Doc. **79.**

References: Contemporary and early writings. *Cal. St. Pap. Col.*, 1677-1680 (1896), nos. 665, 674, 687, 729, 741, 742, 745, 763, 784, 1007, 1010, 1019, 1021, 1032, 1043, 1063, 1065, 1066, 1076, 1151, 1158, 1192, 1557.

References: Later writings. C. S. S. Higham, *The Development of the Leeward Islands under the Restoration, 1660-1688* (1921), pp. 105, 111-120.

TEXT.[18]

Att a meeteing off the governors off this Island Stt. Christophers on the fronteer att Sandy Poyntt the 9/19th day off May anno 1678 (viztt) Coll. Abednego Mathew governor ffor his Maj'tie of Greatt Brittaine and Monsr. De St. Laurens kntt, governor ffor his Mostt Christian Maj'tie assisted by Ltt. Coll. Jno. Estridge, Ltt. Coll. John Crooke, Major Roger Elrington, and Captt. Joseph Crisp off the English Nation, and off Monsr. Auger, Monsr. Bonnemere, Monsr. Sinolle, and Monsr. De Guerre off the French nation all comission'rs off the nationall courtt in this island, by vertue off a power derived to Coll. Abednego Mathew from William Stapleton captt. gen'll and governor in cheife in and over his Maj'ties off Great Brittaine his Leeward Islands in America, and vice admiral to his Royall Highnes James duke off Yorke etc. dated the 23th off Aprill 1678 etc. Engl. style the coppy whereoff is written att the foott off this present treaty, according to the power given to him by his Maj'tie off Greatt Brittaine, and off the power given to Monsr. De Stt. Laurens by Monsr. De Earle off Blenacq governor and ltt. generall ffor his Most Christian Maj'tie both by sea and land in America dated the 19th off Aprill 1678 etc. French style, the coppy whereoff is written att the foott off this presentt treaty according to the power given him by his Most Christian Maj'tie to agree upon a treaty off neutrallyty, good correspondance, peace, amity, and perpetuall union for ever betweene the subjectts of his Maj'tie off Greatt Brittaine in the islands off America under the government off the sayd Genll. Stapleton or other succeding him in the sayd governm'tt and the subjectts off his Mostt Christian Maj'tie in the islands under the governm'tt off the sd Earle off Blenacq or other succeeding him in the sayd governm'tt with the good likeing off there Maj'ties according to the afores'd powers, in which meeteing wee have promised, and doe promise by oath upon the Holy Evangelistt, to hold, doe, keepe, and observe inviolably, faythfully and bona fidae, all and every the articles in this presentt treaty contayned and spesyfyed, vizt

Firstt, that there shall be peace, union, concord, good correspondance, amity, and neutrallyty betweene the two nations English and French depending off the governm'tts off Monsr. Gen'rll Stapleton, and off Monsr. the Earle off Blenacq, and others succeeding them in there governm'tts allthough there shold be rupture betweene both crownes in Europe (which God forbid) which neutrallyty, peace, union, and amity hath bin required off the two governors off Stt. Christophers by the English offic'rs and inhabitantts, as well as French offic'rs and inhabitantts off the sayd island, thatt they might obtayne powers from there Maj'ties to make this sd. treaty.

2dly. To that effectt its promised, covenanted, accorded, and agreed upon thatt iff the sayd rupture shold happen in Europe betweene both crownes, there shold be noe actt of hostillyty be used by any the English (neither by sea nor land) whoe inhabitt the islands under the governm'tt off sayd Gen'll Stapleton or others succeeding him in sd. governm'tt which islands are Stt.

[18] From P. R. O., C. O. 1 : 42, ff. 250-253.

Christophers, Nevis, Montserratt, Antego, Anguilla, Stt. Estatia, Barbuda, Saby, Tortolla, and others agaynst the inhabitantts off the French islands depending off the governm'tt off Monsr. the Earle off Blenacq or others succeeding him in sayd governm'tt by the souldyers thatt mightt be there in garrisson, inhabitantts, and others, and reciprocally the subjectts off his Mostt Christian Maj'tie whoe inhabitt in the islands of Stt. Christopher, Martinico, Guardaloupe, Tortudos, coastt of Sta. Domingo, Granade, Sta. Crux, Cayenne, Stt. Martin, Stt. Barthollomew, Marigalante, and others depending off the governm'tt off Monsr. De Earle off Blenacq or others succeeding him in his governm'tt shall nott use any actt off hostillyty agaynst the subjectts off the King of Greatt Brittaine inhabiting and depending off the government off the sayd Gen'r'll Stapleton or others succeeding him in his governm'tt neither by sea nor land by the souldyers thatt mightt be there in garrisson inhabitantts and others.

3dly. Thatt the old concords as likewise all thatt hath bin done by vertue and in the explication off the treaty off Breda shall be observed in itts ffull contentts, only excepting the actt off trade which is forbidden by theire Majestyes.

4thly. Thatt noe shipps, barques, boates, and other vessells off the sayd English islands shall be imployed to runn agaynstt nor doe any wrong or dammage to the subjectts off the Mostt Christian King whoe are in the islands under the governm'tt off Monsr. the Earle off Blenacq or others succeeding him in the sayd governmentt.

5thly. In reversse thatt noe shipps, barques, boates, and other vessells off the sayd French islands depending off the governmentt off Monsr. the Earle off Blenacq, shall be imployed to runn agaynstt or doe any wrong or dammage to the subjectts off the King off Greatt Brittaine in the islands under the governm'tt off Gen'r'll Stapleton or others succeeding him in his sayd governmentt.

6thly. Thatt noe souldyers and other warlike men inhabitantts and others whoe dwell and resyde or shall come from Europe into garrison or inhabiting in the English islands depending off the governm'tt off the sayd Gen'r'll Stapleton shall be imployed or doe any actt off hostillity wrong or dammage, dyrectly or indyrectly, to the subjectts off the Mostt Christian King whoe inhabitt the islands under the governm'tt off Monsr. De Earle off Blenacq or others succeeding him in the sayd governmentt.

7thly. And reciprocally thatt noe souldyers and other warlike men, inhabitantts, and others, whoe dwell or resyde or shall come from Europe into garrison or inhabiting in the French islands depending off the sayd Monsr. Earle off Blenacq his governm'tt shall be imployed to doe any actt off hostyllity wrong or damage, dyrectly or indyrectly, to the subjectts off the King off Greatt Brittaine in the islands under the governm'tt off Gen'r'll Stapleton or others succeeding him in the sayd governmentt.

8thly. Thatt the French shipps, barques, boates, and other vessells shall be in surety in and neare the roades off the English islands under the governm'tt off the sayd Gen'r'll Stapleton or others succeeding him in the sayd Governmentt.

9thly. And reciprocally thatt the English shipps, barques, boates, and other vessells shall be in surety in and neare the roades off the French islands depending off the sayd Earle off Blenacq his governm'tt or off others succeeding him etca.

10thly. In case there shold happen any differences betweene the subjectts off the King off Great Brittaine and those off the Most Christian King in the

islands off both sayd governm'tts be the same by either sea or land, they shall be judged and determined by the English and French generalls, and by those whome they shall please to nominate to be assembled att Stt. Christophers and else where where itt shall please them.

11thly. And ffor greater surety itt hath bin agreed on thatt hostages shall be given on either partts (vizt.) foure on the French partt outt off the islands under the governm'tt off Monsr. de Earle off Blenacq, thatt is to say, outt off Stt. Christopher one, outt of Martinico one, outt off Guardaloupe one, and outt off the coastt Sta. Domingo one, which are to be offic'rs, captaines, councellors, and other gentlemen, or there children, and in regard Gen'r'll Stapleton his power which he hath received from his Maj'tie off Greatt Brittaine seemes nott to be soe sufficientt to assure this presentt treaty, as thatt off Monsr. de Earle off Blenacq, itt hath bin agreed upon thatt the English shall give six hostages (vizt.) outt off Stt. Christophers [two], outt off Nevis two, outt off Montserratt one, and outt off Antego one, which shall be off like quallyty as the others, and that off each nation one hostage shall be deputed whoe shall both be off the island off Stt. Christophers, with the good likeing off both the Genner'lls, which shall be fforthwith sentt in Europe humbly to pray there Maj'ties thatt they will please to rattyfye this presentt treaty (vizt.) the French hostage shall be sentt into England, and the English hostage into France, and thatt when itt may have pleased there Majesties to make us soe happye as thatt wee obtaine the sayd rattiffycation, the sd. hostages shall be then of equall number, or be rendered on both partts according to the good pleasure off their Maj'ties, And further thatt the sayd hostages are to be delivered on one and the other partt immediately after the confirmation had off both the generalls.

Done att Stt. Christophers the day and yeare above.

Le Chvr. de St. Laurens.

Abed. Mathew.	Auger.
John Estridge.	Bonnemere.
John Crooke.	Sinolle.
Roger Elrington.[19]	De Guerre.
Bigot, Inte.	A. de Bourg, Greff'r.

[Here follow the powers given by Governor Stapleton, April 23, 1678, and by the Comte de Blénac, April 19, 1678.]

The power on the other side I doe attest and the articles preceding the subscriptions of Coll. Abed Mathews and Monsr. le Che'lier St. Laurens, I doe ratifie and confirme. I humbly pray his Maj'tie to confirme the same. Given under my hand and seale in Nevis the 12th of May 1678.

Wm. Stapleton.

J'atteste le pouvoir traduit au lautre par et je ratifie et confirme les articles quy presedent les subscriptions de Monsieu le Chevalier de Sint Lorans et du Coronel Abdenago Maheu et je prie et priray tres humblement sa Majeste de les confirmer. Fait au for royal de la Martynique le deus Juin 1678.

le Conte de Blenac.

[19] In the copy (P. R. O., C. O. 1 : 42, f. 255 d) Joseph Crisp's name appears, but not in this original.

73.

Act for the cessation of hostilities in America, concluded between the plenipotentiaries of France and Brandenburg at Nymwegen, May 6/16, 1679.

INTRODUCTION.

The war between France and her ally Sweden on the one hand, and the Dutch and their continental allies, including Brandenburg [1] and Denmark, on the other hand, continued for more than four years after Great Britain made her separate peace with the States General, in February, 1674.[2] Soon after ratifying that treaty the King of England offered his mediation, which was accepted; but negotiations for a general peace were not actually begun at Nymwegen until the spring of 1677. The war extended to the West Indies, and the treaties signed at Nymwegen in 1678 and 1679 must be referred to, since they affected so vitally international relations in those seas.

For a few years prior to the outbreak of the great war in 1672, the French government had tried to exclude all foreigners from trading with its West Indian islands, or even from cruising in their waters. In enforcing this policy, it treated the Dutch, who virtually controlled the commerce of the Antilles, with extreme brutality.[3] During the war each nation tried to drive the other from the Caribbean. The famous Dutch admiral, De Ruyter, failed to capture Martinique, but Binckes, in two notable voyages, took Cayenne and certain of the French Antilles, besides attacking others, and destroying French shipping.[4] On the other hand, the French vice-admiral, D'Estrées, nearly succeeded in his mission of ruining the Dutch posts in the West Indies and on the north coast of Africa, but wrecked his fleet on its way to Curaçao.[5] The French, then in possession of St. Croix (Santa Cruz), one of the Virgin Islands, also attacked, but could not take, the neighboring island of St. Thomas, formally occupied by the Danish West India Company since 1672.[6] In alliance with the buccaneers, moreover, they pillaged various places on the Spanish islands and mainland.[7]

The peace treaty between France and the United Netherlands, signed at Nymwegen on August 10, 1678, extended to all parts of the world its stipulation for future amity by sea and land, and its provision that each party

[1] For relations between the United Provinces and Brandenburg at this period, see Doc. **71**, introduction.

[2] See above, Doc. **69**.

[3] S. L. Mims, *Colbert's West India Policy* (1912), chs. VIII. and IX.

[4] Sailing north from the West Indies in 1673, Binckes burned some English ships in the James River, and recaptured New York.

[5] Ch. de La Roncière, *Histoire de la Marine Française* (1899-), V. 597 ff., 647 ff.

[6] W. Westergaard, *The Danish West Indies* (1917), p. 42.

[7] A. Dessalles, *Histoire Générale des Antilles*, II. 7 ff.; C. H. Haring, *Buccaneers in the West Indies* (1910), pp. 219 ff.

should retain the places then in its possession.[8] On the other hand, the commercial treaty concluded between the same powers on the same day stipulated freedom of commerce and navigation in Europe only.[9] The treaty of peace between France and Spain concluded at Nymwegen on September 17, 1678,[10] provided in its first article for peace and alliance, which however were not stated to extend beyond Europe. The omission was doubtless intended by France, who was soon to take advantage of it. The seventh article of this treaty provided for the mutual restitution of all places taken by either power during the war in any part of the world.[11]

The signing of these treaties constituted a defection of the United Netherlands and Spain which was a severe blow to the Elector of Brandenburg. Worse misfortunes followed. During February and March, 1679, the Emperor, the Dukes of Brunswick, and the Bishop of Münster also made peace with their common enemies, leaving the Elector to face France and Sweden, with Denmark as his sole ally. Eager, now, to end the war, Frederick William could not bring himself to accept the terms demanded by France—the restoration to Sweden of all that had been taken from her. His conquest of Pomerania had seemed to offer an opportunity for the realization of his hopes for commercial and colonial expansion. Necessity alone forced him to yield. Towards the end of March, 1679, French troops entered his territory of Cleves.

On March 31, the representatives of Brandenburg and Denmark, as well as of France and Sweden, signed an armistice providing for the cessation of all hostilities on land until May first.[12] On May 3, the representatives of France and Brandenburg signed articles at Xanten prolonging the armistice until May 18, stipulating that the elector's towns of Wesel and Lippstadt should be delivered over to the French, as a guaranty, and that commerce should be free on *sea* as well as on land.[13]

Although by May 3 the elector seems to have given up all hope of resistance, yet only a short time before he had sanctioned an attack on French

[8] Articles 3 and 7. The text of the treaty is in H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893-1899), II. 53-61. It left Arguin, Goree, Cayenne, and Tobago (?) in the hands of the French (Ch. de Lannoy and H. vander Linden, *Histoire de l'Expansion Coloniale: Néerlande et Danemark,* p. 135; Mims, *op. cit.,* pp. 288, 289). Mims is mistaken in his reference to a provision of the treaty of Nymwegen as serving as a basis for the retention of Arguin by the French. The article to which he refers relates to prizes, which, if taken beyond Cape St. Vincent within a certain period, were to be restored. The article which seems to have justified the retention of Arguin is the seventh. The phrase "qu'il tient et possède à present" probably refers to the date of the exchange of ratifications, rather than to the date of the signing of the treaty. See Coleman Phillipson, *Termination of War and Treaties of Peace* (1916), p. 198, and *cf.* pp. 187, 188. According to Mims, the French took possession of Arguin on Sept. 2, 1678. The States General did not ratify the treaty until Sept. 19, 1678. Vast, *op. cit.,* II. 61, note 1.

[9] The text is in Vast, *op. cit.,* II. 63-78.

[10] The treaty is *ibid.,* II. 79-99.

[11] P. F. X. de Charlevoix states that the peace treaties made by France with Spain and the United Netherlands at Nymwegen obliged many adventurers to abandon "la course" and become *habitans,* thus marking the establishment (*affermissement*) of the French colony of San Domingo. *Histoire de l'Isle Espagnole* (1730, 1731), II. 122.

[12] Dumont, *Corps Diplomatique,* tom. VII., pt. I. pp. 403, 404.

[13] *Ibid.,* p. 406.

ships in American waters. At the end of April, Louis XIV. was informed that two armed vessels fitted out in the ports of Zeeland, and commissioned by Frederick William against the French, had sailed for the American islands. Now, a squadron under D'Estrées had started for the West Indies, instructed to reconnoitre Spanish posts and navigation and to aid French commerce there. "Peace", wrote Colbert, "being made with Spain in Europe *and not in the other parts of the world,* his Majesty might resolve to trouble the great and free commerce that the Spaniards have in the West Indies."[14] Louis ordered D'Estrées to take or sink the Brandenburg frigates.

However, on May 8, the French ambassador and plenipotentiary at Nymwegen, Colbert de Croissy, offered to the Brandenburg ambassador and plenipotentiary there, Blaspeil, that in case the captains of the frigates should be forbidden to do anything prejudicial to the Xanten articles or to the subjects of France, then D'Estrées would be commanded not to molest these vessels.

To prevent, by this arrangement, the threatened hostilities in America and the consequent retardation of the peace, Colbert de Croissy and Blaspeil signed the act printed below. In conformity with this act, on June 1/11, the elector ordered all captains or others sailing under his flag not to harm any ship carrying the banner of France, on the seas and coasts of Europe or America; but to favor them in every way, and to release French ships or cargoes already taken. In return, on June 18, Louis XIV. instructed D'Estrées to permit not only the captains of the two frigates, but all vessels under the Brandenburg flag, to navigate "par tout et ainsi qu'ils estimeront à propos, *pourveu toutefois qu'ils ne fassent aucun commerce dans mesdites isles*".[15]

The treaty of peace concluded between France and Brandenburg at Saint-Germain-en-Laye on June 29 provided for peace and amity between France and Sweden and Brandenburg "avec une entière et reciproque liberté de commerce, tant par terre que par mer et autres eaux".[16] The elector was by no means satisfied with this treaty. He desired a close political and economic alliance with France. He proposed that Brandenburg ships should be free to enter and leave the seas, harbors, and rivers of France, both without and

[14] P. Clément, *Lettres, Instructions, et Mémoires de Colbert* (1861-1882), tom. III., pt. I., pp. 131, 132. *Cf.* De La Roncière, *op. cit.*, V. 696 ff. D'Estrées's instructions for this voyage, dated April 12, 1679, are printed in *Mémoires du Marquis de Villette* (pub. for the Soc. de l'Histoire de France by M. Monmerque, 1844), p. 191, note 1.

[15] The correspondence is given in *Actes et Mémoires des Négotiations de la Paix de Nimègue* (1680), tom. IV., pt. II., pp. 483-488. It may be noted that B. Raulé, director-in-chief of the maritime affairs of Brandenburg, had great faith in the efficacy of privateering. After Sweden's attack on the elector's territories Raulé had successfully organized such undertakings against Sweden and France. His point of view is clearly set forth in his proposals to the elector dated Feb. 14, 1678: "Wanneer S. C. V. D. dese saeke synen voortganck sal nemen, soo sal S. C. V. D. in zwee jaer bequaem syn, om in cas S. C. V. D. door alliancie ofte andere oorsaeck in oorloge quaem met eenige commersierende prins ofte Koninck, haere commersie te ruineeren, immers soodanich als die van Duynckerken nu doen, en sal S. C. V. D. meer daer mede gevreest worden met 8 à 10 clyne snauwen en fregatten, als van syne gantze armee, en byzonder by Sweeden, Engelant, Vranckeryck, Hollant, Spaignien, Portugael en Daenemarcken." Schück, *op. cit.*, II. 73.

[16] The text is in Vast, *op. cit.*, II. 117-125.

within Europe; and that his subjects might carry negroes from Guinea, and provisions, manufactures, and other merchandise from the territories of Brandenburg to the French Antilles.[17] These proposals, so contrary to Colbert's West India policy, were not accepted. The secret treaty concluded between Louis XIV. and the elector on October 25, 1679, provided that "Les sujets de part et d'autre pourront exercer en toute liberté le commerce dans les terres, royaumes et païs de sa Majesté Très Chrestienne, comme aussy dans les estats et païs de son Altesse Electorale et dans les havres et ports qui leur appartiennent". At least the article was not expressly limited to Europe.[18]

Bibliography.

Text: MS. The original should be in the archives at Berlin and Paris, but has not been found in either repository. A copy is preserved in the archives of the Ministry of Foreign Affairs in Paris, tom. 13, f. 149, and another copy is in the British Museum, Harleian MSS. 1517, no. 129, f. 233.

Text: Printed. *Actes et Mémoires des Négotiations de la Paix de Nimègue* (1680), tom. IV., pt. II, pp. 484, 485; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. I., pp. 407, 408.

Translation: Dutch. *Hollantse Mercurius,* XXX. (1680) 147.

References: Contemporary and early writings. *Actes et Mémoires des Négotiations de la Paix de Nimègue* (1680), tom. IV., pt. II., pp. 483-488; W. Wynne, *Life of Sir L. Jenkins* (1724), II. 589; R. Schück, *Brandenburg-Preussens Kolonial-Politik unter dem Grossen Kurfürsten* (1889), II. 73.

References: Later writings. For side-lights on this document see Schück, *op. cit.,* I. 98 ff., 108, etc.; P. Boissonnade, *Histoire des Premiers Essais de Relations Économiques Directes entre la France et l'État Prussien* (1912), pp. 250 ff.; G. Pagès, *Le Grand Électeur et Louis XIV.* (1905), ch. 6; A. Waddington, *Le Grand Électeur Frédéric Guillaume de Brandebourg* (1905-1908), vol. II., ch. IV.; G. Bulard, *Les Traités de Saint-Germain* (1898); A. Dessalles, *Histoire Générale des Antilles* (1847-1848), II. 23, *et passim*; S. L. Mims, *Colbert's West India Policy* (1912), chs. VIII., IX.

Text.[19]

Nous Charles Colbert, ambassadeur extraordinaire et plenipotentiaire de sa Majesté Tres-Chrestienne pour les traittez de paix, et nous Vernar Guillaume de Blaspil, aussy ambassadeur extraordinaire et plenipotentiaire de son Altesse Electoralle de Brandebourg pour le mesme sujet, declarons a tous quil appartiendra que comme sa Majesté ayant esté informée que deux particuliers avoient fait depuis peu un armement dans les ports de Zelande, et quils en estoient partis avec deux vaisseaux armez en guerre pour aller

[17] P. Boissonnade, *Histoire des Premiers Essais de Relations Économiques Directes entre la France et l'État Prussien,* pp. 447, 450, 453.

[18] Vast, *op. cit.,* II. 127.

[19] The text is from the copy in the archives of the Ministry of Foreign Affairs in Paris.

dans les isles de l'Amérique faire la guerre a ses sujets sous la commission de son Altesse Electorale de Brandenbourg, auroit fait partir pour lesdites isles M. le Comte d'Estrées avec une escadre de quatorze vaisseaux, pour les chercher, et les prendre ou couler a fonds; nous pour empescher que les hostilitez par mer ne puissent apporter quelque retardement aux dispositions quil y a a les faire cesser au plustost par terre, serions convenus en vertu de nos pleins pouvoirs, quil sera incessamment donné ordre par son Altesse Electorale aux capitaines desdites deux fregattes, de ne rien entreprendre contre les vaisseaux et sujets de sa Majesté, et que sur les duplicatas qui seront expediez dudit ordre, et remis entre les mains de nous ambassadeur de France, sa Majesté Tres Chrestienne fera aussy sçavoir audit Sr. Comte d'Estrées que son intention est, quil laisse la liberté auxdites deux fregattes de naviguer par tout ou bon leur semblera. En foy de quoy nous avons signé le present acte, et a iceluy fait apposer les cachets de nos armes. Fait a Nimegue ce 16e May, 1679.

COLBERT.[20]
W. G. BLASPEIL.

[20] The signatures are not found in the copy from which the text is taken, but are given by Dumont.

74.

Treaty of defensive alliance between Great Britain and Spain, concluded at Windsor, June 10/20, 1680. Ratification by Great Britain, August 2/12, 1680. [*Ratification by Spain, July 22, 1680.*]

INTRODUCTION.

Early in the year 1678, when the Spanish Netherlands were suffering desperately from the military operations of the French, the Marquis de Borgomanero, Spanish envoy extraordinary to the English court, tried to form an offensive and defensive alliance with Great Britain. In return for money and troops for the defense of Flanders, Spain offered the silver that would come from America in the galleons and flota. The English minister at Madrid, Sir William Godolphin, pointed out the inadequacy of this security, and proposed other means of raising revenue, including the following: (1) that the asiento or contract for supplying slaves for Spanish America be put into the hands of a single person or company,[1] obliged to take their negroes from the English in Jamaica and Barbados, and paying, over and above the price of the negroes, the tax due to the King of Spain; (2) that two or three English ships be permitted to go yearly to Buenos Aires; (3) that the English be granted the monopoly of logwood or, as it was called, Campeche wood; and (4) that they be allowed to lade salt freely at Punta de Araya.[2]

The instructions given on June 2 and 10, 1679, to Sir Henry Goodricke, Godolphin's successor at Madrid, directed him to find out on what terms Spain would allow the English to trade to Campeche. They also directed him to impress upon the Spanish court Great Britain's interest in the preservation of Flanders.[3]

Charles II. had already determined to send Sir Henry Sidney to the Hague to make a closer alliance with the States which would guarantee the Franco-Spanish treaty of Nymwegen with a view to protecting Flanders.[4] When Sidney began negotiations, in August, 1679, he found that the Prince of Orange desired more than the guaranty as a defense against Louis XIV. "We are willing", said the prince, "to enter with you and Spain into the firmest and strongest league that can be proposed to us for the preservation of Europe."[5] The Dutch statesman, Van Beuningen, opposing the guaranty, insisted on an alliance between England and Spain.[6] Many of his countrymen, also, distrusted England's offer of guaranty, knowing the insincerity of

[1] As was done in 1662 with Grillo and Zomelin. See above, Doc. **55**, p. 94, and note 3.
[2] For the Anglo-Spanish negotiations of 1678, see especially Sir Richard Fanshawe, *Original Letters and Negotiations* (1724), II. 346-405.
[3] C. A. Goodricke, *History of the Goodricke Family* (1885), pp. 26, 27.
[4] Sidney, *Diary*, I. 28, 47.
[5] *Ibid.*, p. 47.
[6] *Ibid.*, p. 48.

Charles II., his quarrels with his Parliament, the factions among his councillors and people, and the uncertainty of the succession to the English throne. Moreover, the Dutch were terrified by the intrigues and threats of D'Avaux, the French ambassador at the Hague, who declared that his master would consider the guaranty equivalent to a league against France and would send 100,000 men against them.[7]

The Dutch suspicions of Charles II. were well founded; for, in the autumn of 1679, he was again bargaining with Louis XIV. Angered, however, by the French king's trickery, he broke off negotiations.[8] But meanwhile, in October, the States General had refused the English alliance,[9] and Charles was alarmed by the prospect of their forming an alliance with France.[10] His breach with Louis prepared him to fall in with the Prince of Orange's project of forming a coalition against the French king. The United Netherlands had made an alliance with Spain in 1673.[11] To checkmate the designs of Louis it seemed of first importance that England should promptly enter into alliances with Spain and the Emperor.[12] Moreover, an Anglo-Spanish alliance would tend to reconcile Charles II. and his Parliament.[13] Charles's chief minister, Sunderland, and the Duchess of Portsmouth favored the alliance, to gain popularity.[14] Negotiations were begun with Borgomanero. They were continued with Don Pedro Ronquillo, who arrived in England toward the end of May, 1680. Within a month after his arrival the treaty was signed. It was modelled closely upon the above-mentioned Hispano-Dutch treaty of 1673. Its seventh article, closely similar to the seventh article of that treaty, *mutatis mutandis,* provided that if the kings of Great Britain or Spain should be troubled in their dominions or rights of navigation and commerce *in any part of the world,* the one not attacked should try to stop such hostile acts, and to secure reparation.[15] If this could not be done by peaceful means within four weeks, and the molested ruler was forced to make war upon his aggressor in Europe, his ally must give him the same aid as if the attack had been made in Europe.

The French ambassador in London, Barillon, immediately notified his master that England and Spain had signed "un traité deffensif et de garentie de la paix *dans toutes les parties du monde.*"[16]

Ratifications were exchanged at Windsor, on August 9/19, 1680.[17]

[7] *Ibid.,* pp. 144, 147, 148, etc.; and *cf.* D'Avaux, *Négociations,* pp. 12 ff.
[8] Dalrymple, *Memoirs,* I. 269-272.
[9] Sidney, *Dairy,* I. 171, 173.
[10] Sirtema de Grovestins, *Histoire des Luttes entre les Puissances Maritimes et France,* IV. 77 ff.; Groen van Prinsterer, *Archives ou Correspondance Inédite de la Maison d'Orange-Nassau,* deuxième sér., tom. V., pp. 374 ff. The States General were less opposed to France than was the prince.
[11] Doc. **68**.
[12] Sidney, *Diary,* I. 205, 245-247, 256, 272; Groen van Prinsterer, *op. cit.,* pp. 380 ff.
[13] *Ibid.,* p. 394.
[14] Dalrymple, *op. cit.,* I. 335.
[15] The provisions of the *projet* of the Anglo-Imperial treaty dated September, 1680, are carefully restricted to places in Europe. The *projet* is printed in A. F. Pribram, *Oesterreichische Staatsverträge: England* (1907, etc.), I. 179-185. It did not ripen into a treaty.
[16] P. R. O., Transcripts, 41.
[17] *Cal. St. Pap. Dom.,* 1679-1680 (1915), p. 595.

Bibliography.

Text: MS. There is no manuscript of the treaty in the P. R. O., and one which formerly was in one of the Spanish archives is now reported, by the archivist, not to be there.

Text: Printed. J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. II., pp. 2-4; J. A. de Abreu y Bertodano, *Colección de los Tratados* (1751-1752), II. 419-434.

Translation. *A General Collection of Treatys of Peace and Commerce* (1732), III. 324-331.

References: Contemporary and early writings. Henry Sidney (later, Earl of Romney), *Diary of the Times of Charles the Second* (ed. R. W. Blencowe, 1843), I.-II. 75; J. A. de Mesmes (Count d'Avaux), *Négociations de Monsieur le Comte d'Avaux en Hollande* (ed. E. Mallet, 1752), I. 1-99; *The Negotiations of Count d'Avaux,* translated from the French (1754, 1755), I. 1-55; Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (1790), I. 269-273, 335 ff.; Groen van Prinsterer, *Archives ou Correspondance Inédite de la Maison d'Orange-Nassau,* deuxième sér., tom. V. (1861), pp. 368-414, *passim*; Baron Sirtema de Grovestins, *Guillaume III. et Louis XIV.: Histoire des Luttes et Rivalités Politiques entre les Puissances Maritimes et la France* (1851-1854), IV. 77-129, *passim*; O. Klopp, *Der Fall des Hauses Stuart und die Succession des Hauses Hannover* (1875-1888), II. 466-471.

References: Later writings. O. Klopp, *op. cit.,* II. 214-302, *passim*; L. von Ranke, *England* (1875), IV. 99-101; H. C. Foxcroft, *Life and Letters of Sir George Savile, Bart., First Marquis of Halifax* (1898), I. 163-165, 183-186, 194-224, *passim.*

Text.[18]

Carolus Secundus, Dei gratia Magnae Britanniae Franciae et Hiberniae rex, Fidei Defensor, etc. omnibus et singulis ad quos praesentes literae pervenerint salutem. Quandoquidem inter nos et Serenissimum et Potentissimum principem ac dominum Carolum Secundum Hispaniarum regem Catholicum tractatus quidam arctioris defensionis, unionis, et foederis decima die mensis Junii postremo elapsi initus et conclusus sit, cujus tenor sequitur:

Quandoquidem Serenissimus et Potentissimus princeps Magnae Britanniae Rex universae Europae testatum dedit quanto zelo quantoque affectu, dum mediatoris munere in congressu Neomagi habito fungebatur, ad reducendam orbi Christiano pacem operam navavit, quae, Deo favente, ad felicem exitum perducta est; quumque Majestati suae semper in animo fuerit pari studio tranquilitatis publicae conservationi prospicere, cui nihil magis conducere potest quam ut arcta defensionis foedera cum iis omnibus principibus statibusque, quorum interest ut restituta pax generalis sartatecta servetur, ineantur, praecipue vero cum Serenissimo et Potentissimo principe Hispaniarum Rege Catholico, cui cum Majestate sua constans intercessit amicitia, quam et Majestas sua, prout sese obtulerit occasio, in dies augere cupit; quumque Rex Catholicus pariter declaraverit nihil ipsi magis cordi esse quam media rationesque amplecti, quae ad tam justum tamque laudabile consilium conducere possint, Serenissimique duo reges animo perpendentes foedera defensiva, scilicet illud quod 20/30 mo mensis Augusti 1673[19] initum inter Hispaniarum

[18] The text is taken from Abreu y Bertodano, *Colección de los Tratados,* etc., II. 419-434.
[19] Doc. **67.**

Regem et dominos Ordines Generales Foederatarum Belgii Provinciarum, et illud quod 3. mensis Martii 1678 inter Magnae Britanniae Regem et praefatos Ordines Generales Foederatarum Belgii Provinciarum conclusum est, tanquam solida fundamenta ad pacem generalem conservandam et ditiones hinc inde suas defendendas, consultum et visum est praefatis Serenissimis Regibus par defensionis et unionis foedus invicem inire, eo praecipue consilio, ut tanti momenti confoederatio Europae pacem securiorem redat, in quem finem Magnae Britanniae Rex commissarios et plenipotentiarios suos nominavit et constituit Robertum comitem de Sunderland, primariorum status secretariorum unum, Laurentium Hyde, armigerum, thesaurarii sui primum commissarium, Leolinum Jenkins, equitem auratum, primariorum status secretariorum alterum, et Sidneium Godolphin, armigerum, e secretiori et intimiori suo consilio omnes ; uti et Rex Hispaniarum commissarium et plenipotentiarium suum nominavit dominum Petrum de Ronquillo legatum suum in aula Britannica, qui quidem commissarii sufficientibus ad id instructi mandatis convenerunt in articulos sequentes.

1. Pax sit perpetua inter Regem Magnae Britanniae ex una, et Hispaniarum Regem Catholicum ex altera parte, ut et inter ipsorum successores et regna, ditiones, et terras ad alterutrum spectantes, eorumque hinc inde subditos, necnon sincera, firma, et perpetua amicitia et bona correspondentia, tam mari quam terra et ubivis locorum, tam extra quam intra Europam.

2. Erit praeterea inter praedictos Serenissimos Reges eorumque successores, regna et ditiones et terras ad ipsos spectantes, arctius defensionis et unionis foedus ad se invicem tuendos et conservandos in possessione earum omnium ditionum, urbium, locorum, et regionum ad ipsos spectantium, necnon in fruitione eorum omnium jurium, immunitatum, et libertatum navigationis, commercii, et aliorum quorumcunque, cujuscunque demum generis sint, tam mari quam terra, quibus jam gaudent vel de jure communi gaudere debent, et quibus jam potiuntur aut imposterum potientur, ex vi quorumcunque tractatuum pacis, amicitiae, aut neutralitatis olim initorum (et eorum omnium jurium, quae tractatu Neomagi nuper inito comprehensa existunt) aut dehinc ineundorum, conjunctim et de communi consilio cum aliis regibus, rebuspublicis, principibus, et civitatibus, illud vero omne intra Europae duntaxat limites.

. . . . . .

7. Et quamvis hujusce tractatus obligatio, prout sub finem articuli secundi statutum est, inter Europae limites circumscribitur, id tamen ita intelligendum est, uti si Serenissimum Magnae Britanniae Regem aut Serenissimum Hispaniarum Regem dehinc invadi aut quocunque demum modo turbari contigerit in possessione aut fruitione ditionum, locorum, regionum, urbiumque, jurium, libertatum, et immunitatum navigationis, commercii, aut aliorum quorumcunque, cujuscunque demum generis sint, tam mari quam terra, quibus jam gaudent et fruuntur, aut frui et gaudere debent, etiam extra Europam, et in quacunque mundi regione, de jure communi, aut juxta tractatus jam initos aut imposterum modo supradicto ineundos, Serenissimi Reges ea de re rogati et invicem requisiti omnem omnino operam et studium adhibebunt quo ejusmodi hostilitas aut molestia cesset, et ut damna et injuriae, quae alterutri confoederatorum illata fuerint, resarciantur. Quod si vero via amicabili id intra quatuor menses effectum dare nequeant, atque ille confoederatorum, qui sic invasus aut turbatus fuerit extra Europam, quacunque mundi regione sit, arma sua adversus turbatorem sive invasorem intra Europam adhibere cogetur, ut ad aequam pacem amplectendam redigatur, ille confoederatorum qui

invasus aut turbatus non fuerit praedictum auxilium alteri qui invasus aut turbatus est subministrare tenebitur, posteaque in aperti belli societatem adversus turbatorem seu invasorem erumpere, eodem plane modo ac si invasio seu molestia intra Europae limites contigisset.

. . . . . .

11. Cumque praecipuus hujusce foederis scopus sit, ut publica tranquillitas et restaurata orbi Christiano pax illaesa et inviolata maneat, rogabitur Serenissimus Romanorum Imperator, ut et alii reges, principes, et status rogabuntur, eas cum ambobus foederatis rationes et consilia inire, quae ad tam salutarem finem conducere maxime possunt, praesertim vero omnis opera hinc inde dabitur, ut tractatus Neomagi nuper initi (quibus orbi Christiano quies reddita est) in pleno vigore maneant et conserventur.

12. Tractatus pacis et amicitiae anno 1667 inter Serenissimos Reges Madriti initus, itidemque alter tractatus pro stabilienda inter Magnae Britanniae et Hispaniarum regna pace, etc., in America, Madriti pariter anno 1670 initus, ut et alii omnes tractatus et pacta inter Serenissimos Reges conventa, in singulis eorum articulis sincere observabuntur, et tam Serenissimi Reges quam eorum hinc inde subditi, omnibus rebus, quae in iisdem contentae sunt, qua publicas qua privatas res spectant, libere et cum effectu gaudebunt et freuntur.

13. Foedus hoc usque ad 20/30um diem mensis Augusti anno Domini 1693 durabit et vigebit, et ante illius temporis decursum convenient inter se dicti Serenissimi Reges de ulteriori ejusdem in publicum commodum prorogatione; et intra duos menses a die subscriptionis numerandos hinc inde ratihabebitur.

. . . . . .

Actum in arce regia Windesoriensi 10. die Mensis Junii anno Domini 1680.

SUNDERLAND.
L. HYDE.
L. JENKINS.
S. GODOLPHIN.
D. PEDRO RONQUILLO.

Nos viso et perpenso dicto tractatu, eundem cum omnibus ac singulis ejusdem articulis et clausulis acceptavimus, approbavimus, et ratihabuimus, sicut per praesentes pro nobis, haeredibus, et successoribus nostris acceptamus, approbamus, et ratihabemus; spondentes et promittentes in verbo regio, nos praefatum tractatum omniaque in eo contenta sancte et inviolabiliter observaturos et adimpleturos, neque passuros ut a quoquam violentur. In quorum majus robur et testimonium praesentes manu nostra regia subscriptas magno nostro Angliae sigillo communiri fecimus. Quae dabantur in arce nostra regia Windesoriensi secunda die mensis Augusti anno Domini supra millesimum sexcentesimum octuagesimo regnique nostri 32.

CAROLUS R.

Separate Article.

Carolus Secundus, Dei gratia Magnae Britanniae, Franciae, et Hiberniae rex, Fidei Defensor, etc. omnibus et singulis ad quos praesentes literae pervenerint, salutem. Quandoquidem articulus quidem separatus tractatus arcti-

oris defensionis, unionis, et foederis inter nos et Serenissimum et Potentissimum principem ac dominum Carolum Secundum, Hispaniarum regem Catholicum, nuper initi 10 die Junii conclusus sit, cujus tenor sequitur:

Conventum et conclusum est praesenti articulo separato, quod si dominis Ordinibus Generalibus Foederatarum Belgii Provinciarum consultum visumque fuerit, copiarum numerum articulis quarto et septimo tractatus inter Regem Hispaniarum et ipsos trigesimo die mensis Augusti anno 1673 initi memoratarum, classe seu viribus maritimis adaugere, Serenissimus Magnae Britanniae Rex pollicetur se quoque parem navium bellicarum numerum Serenissimo Hispaniarum Regi in auxilium missurum, praeter copias illas de quibus quarto et septimo articulis hujusce tractatus mutuo conventum est. Actum in arce regia Windesoriensi 10 die mensis Junii anno Domini 1680.

SUNDERLAND.
L. HYDE.
L. JENKINS.
S. GODOLPHIN.
D. PEDRO RONQUILLO.

Nos viso et perpenso dicto articulo separato eundem acceptavimus, approbavimus, et ratihabuimus, sicut per praesentes pro nobis, haeredibus et successoribus nostris acceptamus, approbamus, et ratihabemus; spondentes et promittentes in verbo regio nos praefatum articulum separatum sancte et inviolabiliter observaturos et adimpleturos, neque passuros ut a quoquam violetur. In cujus rei majus robur et testimonium praesentes manu nostra regia subscriptas magno nostro Angliae sigillo communiri fecimus. Quae dabantur in arce nostra regia Windesoriensi secunda die mensis Augusti anno Domini 1680, regnique nostri 32.

CAROLUS R.

TRANSLATION.

Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., to all and singular to whom the present letters shall come, greeting. Whereas a certain treaty of closer defense, union, and alliance was entered into and concluded between us and the Most Serene and Most Potent prince and lord, Charles the Second, Catholic King of Spain, on the tenth day of the month of June last past, whose tenor follows:

Whereas the Most Serene and Most Potent prince, the King of Great Britain, has given proof to all Europe of the great zeal and good-will with which, while discharging the office of mediator in the Congress of Nymwegen, he labored to restore peace to the Christian world, which by God's grace has been happily accomplished; and whereas it was always his Majesty's purpose to provide with equal zeal for the preservation of the public tranquillity, to which nothing can be more conducive than the entering into close defensive leagues with all those princes and states whom it concerns that the general peace, which has been restored, may be preserved, and more especially with the Most Serene and Most Potent prince, the Catholic King of Spain, between whom and his Majesty there has been a constant friendship, which his Majesty also, as occasion shall offer, desires to increase daily; and whereas the Catholic King has likewise declared that he has nothing more at heart than to adopt the ways and means conducive to so just and praiseworthy a

purpose, and the two Most Serene kings, carefully considering the defensive treaties, namely, that of August 20/30, 1673, entered into between the King of Spain and the lords the States General of the United Provinces of the Netherlands, and that of March 3, 1678, concluded between the King of Great Britain and the aforesaid States General of the United Provinces of the Netherlands, as solid foundations for preserving the general peace, and mutually defending their dominions, the Most Serene kings have deemed it desirable to enter mutually into such a treaty of defense and union, chiefly with this aim, that an alliance of such great moment may render peace more secure for Europe; to which end the King of Great Britain has named and appointed as his commissioners and plenipotentiaries, Robert, earl of Sunderland, one of the chief secretaries of state, Laurence Hyde, esquire, first commissioner of his treasury, Leoline Jenkins, knight, the other of the chief secretaries of state, and Sidney Godolphin, knight, all members of his secret and privy council; and the King of Spain has likewise named as his commissioner and plenipotentiary Don Pedro Ronquillo, his ambassador in the British court, who, being provided with sufficient powers for this purpose, have agreed upon the following articles:

1. There shall be a perpetual peace between the King of Great Britain on the one part, and the Catholic King of Spain on the other part, as also between their successors and the kingdoms, dominions, and lands belonging to either, and their subjects on both sides; and there shall be a sincere, firm, and perpetual amity and good correspondence, both on sea and land, in all places, both within and without Europe.

2. There shall be, moreover, a closer league of defense and union between the aforesaid Most Serene kings and their successors, and the kingdoms, dominions, and lands belonging to them, for mutually defending and maintaining one another in the possession of all the dominions, cities, places, and regions belonging to them, and also in the enjoyment of all their rights, immunities, and liberties of navigation, commerce, and any others of whatsoever kind, both on sea and land, which they already enjoy, or by common right ought to enjoy, and which they already possess or shall possess in future, by virtue of any treaties of peace, friendship, amity, or neutrality, formerly entered into (and of all their rights comprehended in the treaty of Nymwegen, recently entered into) or to be entered into hereafter, jointly and with common consent, with other kings, republics, princes, and states; but all this only within the limits of Europe.

. . . . . .

7. And although the binding force of this treaty, as has been declared at the end of the second article, is confined within the bounds of Europe, nevertheless it is to be so understood that if it should happen that the Most Serene King of Great Britain or the Most Serene King of Spain should be hereafter invaded, or in any way whatsoever disturbed in the possession or enjoyment of his dominions, places, regions, cities, rights, liberties, and immunities of navigation, commerce, or any others whatsoever, of whatsoever kind, whether on sea or land, which they already enjoy and possess or ought to enjoy and possess, even outside of Europe, and in whatsoever part of the world, by common right, or in accordance with treaties already entered into, or to be entered into hereafter in the manner aforesaid, the Most Serene kings, upon each other's request and requirement, shall make every effort to cause such hostility or molestation to cease, and to cause the damages and injuries done to either of the allies to be made good. But if this cannot be accomplished by peaceful means within four months, and if the ally who shall be thus attacked

or troubled outside Europe, in whatever part of the world, shall be forced to use his arms against the disturber or aggressor within Europe, in order that he may be brought to accept a just peace, then the ally who shall not have been attacked or disturbed shall be bound to furnish the aforesaid aid to the other, who has been attacked or disturbed, and later, in alliance with him, to make open war against the disturber or aggressor, in just the same manner as if the invasion or molestation had happened within the limits of Europe.

. . . . . .

11. And whereas it is the chief purpose of this present treaty that the public quiet and peace restored to Christendom shall continue unbroken and inviolate, the Most Serene Emperor of the Romans shall be desired, and also other kings, princes, and states, to enter into such counsels and measures with both parties as shall be most effectual to so salutary an end; and both parties shall use every endeavor to maintain and preserve in full vigor the treaties lately concluded at Nymwegen, by which peace has been restored to Christendom.

12. The treaty of peace and friendship concluded between the Most Serene kings at Madrid, in the year 1667, and also the other treaty for establishing peace, etc., in America between the realms of Great Britain and Spain, made also at Madrid in the year 1670, and all other treaties and conventions made between the Most Serene kings, shall be observed sincerely in all their articles, and both the Most Serene kings and their subjects respectively shall enjoy freely and effectively the benefit of what is agreed in them, in respect to both public and private affairs.

13. This treaty shall continue in force until the 20/30th of August in the year of our Lord 1693, and before the termination of that time the said Most Serene kings shall agree as to the further continuance of the same for the common good; and this treaty shall be ratified, by both parties respectively, within two months after the signing thereof.

. . . . . .

Done at Windsor Castle, on the tenth day of June in the year of our Lord 1680.

SUNDERLAND.
L. HYDE.
L. JENKINS.
S. GODOLPHIN.
Don PEDRO RONQUILLO.

We, having seen and carefully considered the said treaty, have accepted, approved, and ratified the same with all and singular its articles and clauses, as by these presents we do accept, approve, and ratify it for ourselves, our heirs and successors, engaging and promising on our royal word that we will sacredly and inviolably observe and fulfill the aforesaid treaty and everything contained therein, nor will we suffer them to be violated by anyone. For the greater confirmation and evidence whereof, we have caused these presents, subscribed by our royal hand, to be secured by our great seal of England. These are given in our royal castle of Windsor, August 2, in the year of our Lord 1680, and of our reign the thirty-second.

CHARLES, King.

Separate Article.

Charles the Second, by the grace of God king of Great Britain, France, and Ireland, Defender of the Faith, etc., to all and singular those to whom the

present letters shall come, greeting. Whereas a certain separate article of the treaty of closer defense, union, and alliance just made, on the tenth day of June, between us and the Most Serene and Most Potent prince and lord Charles the Second, Catholic king of Spain, has been concluded, whereof the tenor is as follows:

It is agreed by this present separate article, that in case the lords States General of the United Provinces of the Netherlands shall think fit to augment with any fleet or sea forces the succors mentioned in the fourth and seventh articles of the treaty between the King of Spain and themselves, concluded on the thirtieth of August in the year 1673, that the Most Serene King of Great Britain promises that he also will assist the Most Serene King of Spain with the like number of ships of war, over and above the forces mutually stipulated by the fourth and seventh articles of the present treaty. Done in the royal castle of Windsor, on the tenth day of June in the year of our Lord 1680.

SUNDERLAND.
L. HYDE.
L. JENKINS.
S. GODOLPHIN.
Don PEDRO RONQUILLO.

We, having seen and considered the said separate article, have accepted, approved, and ratified the same, and by these presents do, for ourselves, our heirs and successors, accept, approve, and ratify it, promising on our royal word that we will observe and fulfill the said separate article sacredly and inviolably, and will not suffer any to violate it. For greater security and testimony whereof we have caused these presents, signed by our royal hand, to be confirmed with our great seal of England. Given in our royal castle of Windsor, on the second day of August, in the year of our Lord 1680, and of our reign the thirty-second.

CHARLES, King.

75.

Treaty between France and Brandenburg, concluded at Cöln on the Spree, January 1/11, 1681. Ratification by France, February 1, 1681. [Ratification by Brandenburg, February 14, 1681.][1]

INTRODUCTION.

In the summer following the conclusion of the secret treaty of October 25, 1679, between Brandenburg and France,[2] commissioners of both powers began negotiations for a firmer and closer alliance. Louis XIV. was represented by Rébenac, his ambassador at Berlin, Frederick William by von Meinders and Friedrich von Jena.

Louis XIV. was glad to form this alliance in order to assure himself of a powerful friend within the Empire—a friend who would further his election to the imperial crown, as the elector had already promised—and who would not oppose his policy of "reuniting" to France various places, mostly in the Rhine regions, which were subject to the Empire, Spain, or Sweden.

To Frederick William, who was on cordial terms with scarcely any nation but Denmark, the alliance was indispensable, as security against such potential enemies as Sweden, the Empire, Spain, and the United Netherlands. He doubtless hoped that the alliance would enable him to separate France from Sweden, and thus lead eventually to his acquisition of the coveted Pomeranian coast.[3] It might help him, moreover, to obtain the arrears of the subsidies promised by Spain, and to carry out projects of commercial and colonial expansion that were certain to be obnoxious to both Spain and the United Netherlands.

It is the last aspect of the proposed alliance that alone concerns us here.

In order to wrest from Spain the 1,800,000 thalers promised the elector by the treaty of July 1, 1674, but apparently unrecoverable by peaceful means, Frederick William determined to make reprisals against Spanish ships and goods.[4] For this purpose he despatched six warships to cruise on the Flemish coasts and Spanish seas, or, failing to make prizes there, to sail to the West Indies.[5] After capturing, near Ostend, on September 18, 1680, a Spanish vessel, the *Carolus Secundus*,[6] five[7] ships of the squadron proceeded to the West Indies. During their four months' cruise in the Caribbean Sea,[8] they en-

[1] The dates of the ratification are given in Pagès, *Le Grand Électeur et Louis XIV.*, p. 455.

[2] See above, pp. 263-264.

[3] *Cf.* above, p. 262.

[4] Schück, *Brandenburg-Preussens Kolonial-Politik*, I. 112 ff.

[5] *Urkunden und Actenstücke*, XIX. 393, and note 4.

[6] Schück, *op. cit.*, I. 114. The name of the *Carolus II.* was changed to *Der Markgraf von Brandenburg. Ibid.*, p. 118.

[7] Sir Henry Morgan reported that four Brandenburg frigates came to Jamaica. *Cal. St. Pap. Col.*, 1681-1685 (1898), p. 5, no. 13, Jan. 27, 1681; but D'Estrées states that he met five vessels. See p. 276 and note 9.

[8] Schück, *op. cit.*, I. 114.

countered the French fleet, which, under D'Estrées, was also on the track of the Spaniards.[9] They captured only a few small prizes, some of which they sold at Jamaica, where "they urged the Duke's [*sic*] alliance with England for permission to sell their prizes"; and assured Deputy Governor Morgan that "the King of Denmark would very speedily send a larger force on the same errand as themselves, to gain that satisfaction from the Spaniards which is denied in Europe".[10]

To facilitate such sea-expeditions as this, the elector urged Louis XIV. to order his ships' commanders and others to give all favor and secure retreat to Brandenburg ships in French harbors, both in Europe and the West Indies.[11] The king, who had already promised to support the elector's just pretensions against Spain,[12] readily granted the request in respect to his European ports,[13] but demurred with respect to those in the West Indies. The French secretary of state, Colbert de Croissy, argued that in America "everyone lived and acted only for himself, allowed no entrance to their harbors to others, not even to those with whom they are in close friendship in Europe. If this privilege were granted to the elector, it was to be feared that other friends and allies of France would also claim it". The king hoped the elector would not press them further in regard to this matter.[14] Yet within a fortnight the king changed his mind—probably because of the seizure of the *Carolus Secundus,* seemingly a presage of war—and sent orders, dated September 26, 1680, to De Blénac, governor general of the French West Indies, to grant Brandenburg ships the privileges asked for in West Indian harbors.[15]

The United Provinces and England, allies of Spain,[16] resented the capture of the *Carolus Secundus,* and demanded its restoration. Another cause of strained relations between the Dutch and Brandenburg governments was the creation of the Brandenburg-African Company,[17] which in September, 1680, sent out two ships to Guinea.[18]

These disputes between Brandenburg and the United Netherlands and Spain played into the hands of Louis XIV. by strengthening Frederick William's desire for the French alliance. The elector's intention of promptly despatching a second flotilla to cruise against the Spaniards from Ostend to Madeira and in the West Indies made him eager to conclude the treaty with all possible speed.[19] On November 2, his ministers gave Rébenac a draft of general articles for the treaty.[20] Ten days later, he expressed his willingness to con-

[9] *Mémoires du Marquis de Villette* (ed. M. Monmerqué for the Soc. de l'Histoire de France), tom. LIII. (1844), pp. 244, 245.

[10] *Cal. St. Pap. Col.,* 1681-1685, p. 5. England was indignant because the governor offered the Brandenburgers a market. Pufendorf, *De Rebus Gestis Friderici Wilhelmi Magni Electoris Brandenburgici,* sect. 11.

[11] *Urkunden und Actenstücke,* XIX. 393, and note 4.

[12] *Ibid.,* Bd. XX., Th. I., pp. 464, 465.

[13] *Ibid.,* p. 474, XIX. 395.

[14] *Ibid.,* p. 395.

[15] *Ibid.,* p. 397, n. 1.

[16] See above, Docs. **68** and **74.**

[17] For further references to this company, see Doc. **76,** introduction and text.

[18] Schück, *op. cit.,* I. 142.

[19] *Urkunden und Actenstücke,* Bd. XX., Th. I., p. 512; Schück, *op. cit.,* I. 114.

[20] *Urkunden und Actenstücke,* Bd. XX., Th. I., pp. 505-507.

clude, even without the subsidies he had asked for.[21] By November 16 the Brandenburg *projet* was completed.[22] The French counterproject introduced few changes.[23]

Meanwhile, the offers of the English and Dutch governments to mediate the disputes between Brandenburg and Spain, and the Emperor's counsel of peace, caused the elector to abandon the proposed expedition.[24] But, in a memorial dated December 18, Raulé opposed this policy; and, since Spain was quite unable to pay the subsidies, Frederick William again took up his plans for privateering in the West Indies.[25]

On January 8, Rébenac reported to his master that the elector's ships, equipped for a year, had orders to sail to Havana, Vera Cruz, Cartagena, and Mexico.[26] Three days later, the treaty, together with nine separate articles, was signed.

The treaty confirmed the preceding treaties, and bound the elector to aid the King of France in maintaining all the "advantages" due him by virtue of the treaty of Nymwegen, *i. e.*, the "reunions". The allies engaged to assist each other in case either were disturbed in his territories, commerce, rights, etc. If asked for aid, the King of France was to send the elector, within two months, 4000 horse, 8000 foot, and 1200 dragoons; in like circumstances, the elector was to send half as many troops to the king. Should the forces sent not suffice, the numbers were to be increased. Money, munitions, food, ships, or other forms of aid might be substituted for troops. The assisting ally need not break with the enemy; if he did, peace must be made by common agreement. The alliance should last for ten years. The twentieth article, printed below, provided that, if Spain should attack the elector on account of his reprisals, the King of France was to assist him in the manner stipulated in the preceding articles and would give the elector's vessels, troops, and subjects free entry into French ports and an assured retreat into French territory. "Ports" undoubtedly included those in the West Indies, since the French king, as stated above, had already opened them to Brandenburgers.

The separate articles confirmed the secret treaty of October 25, 1679; bound the allies to draw as many as possible of the neighboring states into the league; stipulated the maintenance of good intelligence with the King of Denmark, who, if it was deemed advisable, should be invited to enter into a common alliance with the king and the elector; provided that Louis XIV. should aid the elector if he were attacked on account of the marriage of his younger son with the Polish heiress, the Princess Radziwill; and included a promise on the part of the King of France to pay the elector 100,000 crowns annually.

For the purpose of this book, the interest of this treaty lies in two facts: first, that it marks a stage towards the eventual participation of Brandenburg

[21] *Ibid.*, XIX. 402.
[22] *Ibid.*, Bd. XX., Th. I., p. 510.
[23] *Ibid.*, p. 516.
[24] S. von Pufendorf, *loc. cit.*; *Urkunden und Actenstücke*, XXI. 336.
[25] Schück, *op. cit.*, I. 114.
[26] *Urkunden und Actenstücke*, Bd. XX., Th. I., p. 522.

in trade, and in territorial rights on land later acquired by the United States, in the West Indies; and, second, that it provides that a European ruler shall be aided by an ally, powerful in both Europe and America, to recover sums due him from Spain, by reprisals on Spanish ships and goods in the West Indies.

BIBLIOGRAPHY.

Text: MS. The original manuscript of the French ratification is in the Geheimes Staatsarchiv at Berlin.

Text: Printed. G. Pagès, *Le Grand Électeur et Louis XIV.* (1905), app. IV., pp. 623-633; Th. v. Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), pp. 708-715.

References: Contemporary and early writings. *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg* (1864, etc.), Bd. XIX. (ed. F. Hirsch), pp. 389-405, *passim,* Bd. XX. (ed. F. Fehling), Th. I., pp. 395-540, *passim, cf.* also Bd. III. (ed. H. Peter), pp. 585-600, Bd. XIV. (ed. A. F. Pribram), pp. 916-987, *passim,* Bd. XXI. (ed. F. Hirsch), pp. 11-34, *passim*; L. van den Bos [L. Sylvius], *Vervolgh van Saken van Staat en Oorlogh, 1679-1686, het Tweede Stuck van het Vervolgh op de Historie van de Heer Lieuwe van Aitzema* (1688), pp. 62-65; S. von Pufendorf, *De Rebus Gestis Friderici Wilhelmi Magni Electoris Brandenburgici Commentariorum Libri Novendecim* (1733), lib. XVIII., sect. 11; H. Prutz, *Aus des Grossen Kurfürsten letzten Jahren* (1897), pp. 347-350.

References: Later writings. G. Pagès, *op. cit.*, pp. 441-461; R. Schück, *Brandenburg-Preussens Kolonial-Politik* (1889), I. 112 ff., 134 ff.; P. Boissonnade, *Histoire des Premiers Essais de Relations Économiques Directes entre la France et l'État Prussien* (1912), pp. 288-292; A. Waddington, *Le Grand Électeur Frédéric Guillaume de Brandebourg* (1905-1908), II. 450-473; F. Fehling, *Frankreich und Brandenburg in den Jahren 1679 bis 1684* (1906), pp. 47-85; J. G. Droysen, *Geschichte der Preussischen Politik,* Bd. III., Th. III. (1865), pp. 714-721; H. Prutz, *op. cit.,* pp. 224-238.

TEXT.[27]

Louis, par la grace de Dieu roy de France et de Navarre, a tous ceux qui ces presentes lettres verront, salut. Comme le Sieur Comte de Rebenac Feuquiere nostre lieutenant general en Navarre et Bearn et nostre envoyé extraordinaire en Allemagne en vertu du plein pouvoir que nous luy en avions donné auroit conclu, arreste, et signé a Cologne sur la Sprée le 11 st. n./pr. st. v. jour de Janvier dernier avec les Sieurs Jena et Meinders, ministres et conseillers d'estat et privé de nostre tres cher et tres amé frere l'Electeur de Brandebourg, pareillement munis de plein pouvoir, le traitté dont la teneur s'ensuit:

Quoy que par les traitez qui ont esté faits entre le roy Tres Chrestien et l'Electeur de Brandebourg il ayt este convenu non seulement de tout ce qui peut establir une bonne et parfaite amitié entre sa Majesté et son Altesse Electoralle mais aussy des moyens d'affermir le repos de l'Europe par le moyen des traitez qui en sont le fondement, neantmoins comme ceux qui croyent

[27] The text is taken from the original manuscript of the ratification, preserved in the Geheimes Staatsarchiv at Berlin.

pouvoir trouver leur avantage dans le renouvellement d'une guerre en Allemagne se servent de divers pretextes, et mesme de celuy de maintenir l'interest de l'Empire, pour porter quelques uns des princes et estats qui le composent a prendre des resolutions d'autant plus opposees a la tranquilité dont ils jouissent qu'elles tendent a rompre la bonne correspondance que sa Majesté desire conserver avec l'Empire, et que son Altesse Electorale juge aussy tres necessaire pour le bien de toute l'Allemagne, sadite Majesté, meue du desir de rendre durable la paix a laquelle elle a bien voulu sacrifier tant de conquestes, et bien informée des bonnes intentions dudit electeur, auroit donné pouvoir au Sieur Comte de Rebenac Feuquiere, son lieutenant general en Navarre et Bearn et son envoye extraordinaire vers ledit electeur de Brandebourg, de traiter et conclurre une plus estroite alliance avec son Altesse Electorale pour prevenir et s'opposer a tous les mauvais dessins de ceux qui voudroient troubler le repos de l'Empire, et sadite Altesse ayant aussy donné pouvoir et commission au Sieur Jena, ministre et conseiller d'estat et privé, et au Sieur Meinders, ministre et conseiller d'estat et privé, lesdits sieurs envoye et commissaires apres s'estre respectivement communiqué leurs pouvoirs dont la coppie sera cy apres transcrite, sont convenus des articles suivans.

. . . . . .

20. Son Altesse Electorale de Brandebourg ayant este obligée d'envoyer quelques fregates en mer pour tirer satisfaction du roy et de la couronne d'Espagne sur le payement des subsides retardez et autres pretentions legitimes et incontestables de l'aveu mesme du Roy d'Espagne, et cesdits fregates s'estant emparees depuis peu d'un vaisseau de guerre Espagnol a la rade d'Ostende et pouvant arriver qu'elles se rendroient maistresses de quelques autres encore ou qu'on fit de pareilles executions a l'avenir, soit par terre soit par mer, on est convenu que si les Espagnols prenoient une execution si legitime pour un acte d'hostilité et une rupture, malgré la declaration formelle que son Altesse Electoralle a fait de n'entendre point par la, troubler la paix ny interrompre la bonne intelligence qu'elle conserve avec le Roy Catholique, et que sous ce pretexte ledit Roy Catholique ou quelqu'autre sans exception entroit en rupture et exerceoit des hostilitez contre son Altesse Electorale, ses estats, sujets, appartenances, et dependances, pour lors sa Majesté Tres Chrestienne convient d'estre obligée en vertu du present traitte de secourir et assister sadite Altesse Electorale de la maniere dont il a este plus amplement expliqué cy dessus, et donner à ses vaisseaux, troupes, soldats, matelots, et sujets, une entree libre dans ses portes et une retraite asseurée dans ses propres estats. Fait a Cologne sur la Sprée ce 11 st. n./pr. st. v. de Janvier 1681. Signé Rebenac Feuquiere, de Jena, et Meinders, avec le cachet de leurs armes.

Nous, ayant agreable le susdit traitté en tous et en chacun les articles qui y sont contenus, avons iceux accepté, approuve, ratiffié, et confirmé et par ces presentes signées de nostre main acceptons, approuvons, ratiffions, et confirmons, promettant en foy et parolle de roy de l'accomplir, observer, et faire observer sincerement et de bonne foy en tous les points contenus en icelui, sans aller ny souffrir quil soit allé directement ou indirectement au contraire pour quelque cause et occasion que ce puisse estre. En tesmoin de quoy nous avons signé ces presents et a icelles fait apposer nostre scel secret. Donné a St. Germain en Laye le premier jour de Fevrier l'an de grace mil six cens quatre vingt un et de nostre regne le trent huictiesme.

Louis.

Par le Roy.

Colbert.

76.

Treaty of alliance between France and Brandenburg, concluded at Cöln on the Spree, January 12/22, 1682. Ratification by Brandenburg, February 20, 1682.[1] [*Ratification by France, February 12, 1682.*]

Introduction.

Soon after the conclusion of the peace treaties of Nymwegen and St. Germain-en-Laye,[2] Charles XI. of Sweden became alienated from France, especially on account of Louis XIV.'s policy of territorial "reunions",[3] which touched Charles personally, and threatened to stir up another European war. At the same time, Sweden was drawn towards the maritime powers—Great Britain and the United Netherlands—by a common desire for peace.[4] On September 30/October 10, 1681, Sweden and the United Netherlands concluded a defensive alliance guaranteeing the peace of Westphalia and Nymwegen, and known as the Treaty of Association.[5]

This reversal of Sweden's foreign policy, her adhesion to the enemies of France, was a severe blow to Louis XIV.; and it did, indeed, contain the seed of the great coalition against him. The Elector of Brandenburg, on the other hand, rejoiced at the news of the Association.[6] Sweden's separation from France gave him hope of recovering Pomerania,[7] and smoothed the way for such alliances with Denmark and France as would favor his plans for developing trade with Africa and the West Indies.

Proposals for opening up trade between Brandenburg and the west coast of Africa were put forward in 1676 and again in 1679, by the Dutchman, Benjamin Raulé, founder, and from 1681 director general of the Brandenburg navy.[8] Approved by the Great Elector, the proposals resulted in the despatch of two frigates to Guinea, in September, 1680;[9] in the conclusion of a treaty with the natives at Cape Three Points eight months later;[10] and in the formation of a Brandenburg-African Company in 1682.[11]

The elector's attempt to share in the African commerce was obnoxious to the Dutch West India Company and to the States General. They especially

[1] Th. v. Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), p. 426.
[2] See above, pp. 261-264.
[3] See above, p. 275.
[4] F. F. Carlson, *Geschichte Schwedens*, V. 167 ff., in A. H. L. Heeren and F. A. Ukert, *Geschichte der Europäischen Staaten* (1829, etc.).
[5] J. Dumont, *Corps Diplomatique*, tom. VII., pt. II., pp. 15, 16.
[6] *Urkunden und Actenstücke*, Bd. XX., Th. I., pp. 586, 599.
[7] See above, p. 262.
[8] R. Schück, *Brandenburg-Preussens Kolonial-Politik*, I. 137-139.
[9] On this expedition, see Schück, *op. cit.*, I. 142 ff. The ships carried the Brandenburg flag and soldiers, but sailed at the cost and risk of Raulé.
[10] *Ibid.*, II. 100-102, 117.
[11] *Ibid.*, I. 158 ff., II. 136-142.

resented the fact that a Dutchman played so large a part in the inception and execution of the Brandenburg enterprise.[12] On October 8, 1680, the States General issued *placaats* recalling their subjects already in foreign service, and prohibiting them—as had been done before—[13] from serving foreign rulers within the regions assigned by charter to the East and West India companies.[14] The attitude of the States General angered the elector.[15] He pointed out that other nations traded on the African coast within the charter of the West India Company; and that the writings of the most learned Dutchmen defended freedom of navigation and trade in the open sea, and with the natives on those parts of the coast not actually occupied by subjects of the United Netherlands.[16] Even in places thus occupied he expected them not to refuse *officia humanitatis et utilitatis,* such as drawing water, etc., mentioned in the Dutch-Brandenburg treaty of 1678.[17]

Despite such arguments, the Dutch did their best to nip the African expeditions in the bud. In Guinea they confiscated the *Wappen van Brandenburg,* one of the two first frigates sent out, and drove the other from the coast. In the United Provinces the West India Company also tried to prevent the departure of a third ship, fitted out at Flushing for Raulé and his associates.[18] The alarm of the company was not without justification. In August, 1681, Raulé laid before the elector a plan for securing rights in the Danish island of St. Thomas in the West Indies, as a base for slave-trading operations that would "totally ruin" the Dutch West India Company.[19]

Confronted by the Treaty of Association, Louis XIV. early in December, 1681, made overtures to the elector for a new alliance.[20] Frederick William was pleased by these advances; found the terms for the most part acceptable—save for the insufficiency of the subsidies—and appointed Meinders and Jena to treat with Rébenac, the French ambassador at Berlin.[21] Shortly before the beginning of the negotiations, the elector learned of the seizure of the *Wappen van Brandenburg* by the Dutch.[22] He wished France to guarantee him, in some sort, against such attacks.[23] Although Rébenac had no instructions on the matter, he agreed to this, believing that he might do so safely, since the project of the Brandenburg-African Company, he said, was likely to fail of itself.[24]

[12] *Ibid.,* I. 140-146, *passim*; Pagès, *Le Grand Électeur et Louis XIV.,* p. 462, n. 2.
[13] *Cf.* the attitude of the Dutch with regard to the Danish East India Company. Vol. I. of this series, Doc. **30,** p. 275.
[14] *Urkunden und Actenstücke,* III. 589. The West India Company claimed exclusive rights of trade on the Guinea coast from Assim to the east of Accra as far as to Rio Sinea, excepting only the places occupied by the English and Danish companies. *Ibid.,* p. 624.
[15] *Ibid.,* pp. 590, 592, 594, 596 ff.
[16] *Ibid.,* XXI. 30, 31.
[17] Doc. **71.**
[18] Schück, *op. cit.,* I. 143, 144, 146, 147.
[19] *Ibid.,* p. 148, and see Doc. **78.**
[20] *Urkunden und Actenstücke,* Bd. XIX., pp. 421 ff., Bd. XX., Th. I., pp. 605 ff.
[21] *Ibid.,* pp. 611 ff.
[22] *Ibid.,* III. 629.
[23] *Ibid.,* Bd. XX., Th. I., pp. 608, 609.
[24] *Ibid.,* p. 619.

On January 12/22, 1682, the treaty was signed. It confirmed the alliance of January 1/11, 1681;[25] provided that the King of France take measures with other powers to counteract the evil consequences of the Treaty of Association; declared that the king would limit his pretensions in the Empire to Strasbourg and the lands he possessed on the day of the departure of his ambassadors to the Frankfort Conference; renewed, on this basis, the king's and elector's mutual guaranty of each other's estates, but with more troops than were stipulated in 1681; provided for the payment of larger subsidies to the elector than were granted by the earlier treaty; and affirmed that, if the elector were attacked by *any* power, by land or sea, on account of attempted reprisals, the king would aid him in the manner that was provided for in 1681 in the event of an attack by Spain on the same grounds. The alliance was to last for ten years.

The ninth article of the treaty particularly concerns us. Hereby, the King of France agreed to accord entry and free and assured retreat to the vessels of the elector in all his ports and havens *both in Europe and elsewhere.* The treaty of 1681 had included the same provision, but in less explicit terms. The king also promised "all sorts of favors, protection, and assistance" to the Brandenburg-African Company, in case it or its vessels should be attacked or insulted unjustly, and contrary to the law of nations.

Bibliography.

Text: MS. Originals of this treaty are preserved in the Archives des Affaires Étrangères in Paris, and in the Geheimes Staatsarchiv in Berlin.

Text: Printed. G. Pagès, *Le Grand Électeur et Louis XIV.* (1905), app. IV., pp. 633-637; Th. v. Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), pp. 715-718; art. 9, in R. Schück, *Brandenburg-Preussens Kolonial-Politik* (1889), II. 122, 123.

References: Contemporary and early writings. *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg* (1864, etc.), Bd. III. (ed. H. Peter), pp. 585-645, *passim,* Bd. XIX. (ed. F. Hirsch), pp. 421-428, Bd. XX. (ed. F. Fehling), Th. I., pp. 586-619, *passim,* p. 624, Bd. XXI. (ed. F. Hirsch), pp. 30-47, *passim.*

References: Later writings. R. Schück, *op. cit.,* I. 134 ff.; P. Boissonnade, *Histoire des Premiers Essais de Relations Économiques Directes entre la France et l'État Prussien* (1912), pp. 263, 264, 290-294; G. Pagès, *op. cit.,* pp. 462-476; F. Fehling, *Frankreich und Brandenburg in den Jahren 1679 bis 1684* (1906), pp. 134-163; A. Waddington, *Le Grand Électeur* (1905-1908), II. 475-485, *passim*; H. Prutz, *Aus des Grossen Kurfürsten letzten Jahren* (1897), pp. 238 ff.; *Brandenburg-Preussen auf der Westküste von Afrika, 1681 bis 1721,* in *Kriegsgeschichtliche Einzelschriften* (ed. Grosser Generalstab), Heft VI. (1885), pp. 101 ff.

Text.[26]

Nous Frederic Guillaume, par la grace de Dieu marggrave de Brandebourg, archichambellan et prince electeur du Sainct Empire, duc de Prusse, Magde-

[25] Doc. **75.**

[26] The text is from the ratification, by Brandenburg, preserved in the archives of the Ministry of Foreign Affairs in Paris.

bourg, Juliers, Cleves, Bergues, Stetin, Pomeranie, des Cassubes, Wandales, et en Silesie de Crosné et de Carnovie, bourggrave de Nuremberg, prince de Halberstat, Minden, et Camin, comte de la Marcke et de Ravensberg, seigneur de Ravestein, Lauembourg, et Butaw, à touts ceux, qui ces presentes lettres verront, faisons sçavoir, qu'ayant veu et examiné le traitté fait et passé, en nostre nom et soubs nostre ratification, entre sa Majesté Tres Chrestienne le roy de France et nous à Cologne sur la Sprée le 22 st. n./12 st. v. jour de Janvier dernier par le Sr. Comte de Rebenac Feuquière, lieutenant general en Navarre et Bearne et envoyé extraordinaire en Allemagne de sadite Majesté, d'une part, et par nos ministres et conseillers d'estat et privé le Sr. de Jena et le Sr. Meinders d'autre part, duquel traitté la teneur s'ensuit:

Comme depuis le traitté d'alliance defensive entre le Roy Tres Chrestien et l'Electeur de Brandebourg conclu et signé à Cologne sur la Sprée le 11/1 Janvier 1681, il est survenu des changements considerables dans la situation des affaires publiques, et que quelques puissances, sous le pretexte specieux de former une Association pour conserver les traittés de Westphalie et Nimegue, exposent le repos de l'Empire et peuvent le rejetter dans les mesmes troubles dont il a été presque accablé dans ces derniers mouvemens; sa Majesté Tres Chrestienne, qui n'a rien plus a coeur que de conserver une paix à laquelle elle a bien voulu sacrifier tant de conquestes, ayant reconnu avec une joye extreme que les sentiments de son Altesse Electorale de Brandebourg estoient conformes aux siens, a désiré de convenir avec ce prince des mesures les plus solides et les plus certaines pour l'execution d'un dessein si juste et si necessaire: C'est à cet effet que sa Majesté a envoyé un nouveau pouvoir au Sr. Comte de Rebenac Feuquiere, son lieutenant general en Navarre et Bearn, et son envoyé extraordinaire vers son Altesse Electorale de Brandebourg, qui en a donne pareillement pouvoir et commission aux Sieurs de Jena et Meinders, touts deux ses ministres et conseillers d'estat et privés, lesquels envoyé et commissaires, s'estant respectivement communiqués leurs pouvoirs, tels qu'ils seront inserés de mot à mot dans la suite, sont enfin convenus de ce qui suit.

1. Le traitté d'alliance deffensive entre le Roy Tres Chrestien et son Altesse Electorale de Brandebourg, conclu et signé à Cologne sur la Sprée le 11/1 Janvier 1681, sera confirmé de nouveau dans touts ses points sans exception ny reserve, et servira de fondement a cette nouvelle alliance, sadite Majesté et sadite Altesse Electorale desirants seulement d'expliquer plus nettement quelques uns de ses points, et y ajouter selon la necessité des conjonctures presentes.

2. Sa Majesté voulant prevenir les mauvaises suites du traitté de ligue ou d'association proposé par quelques puissances, a resolu de convenir avec les princes les mieux intentionnés pour la paix des mesures certaines et solides, non pas seulement pour la conserver mais aussy pour faire supporter a ceux qui voudront la troubler les pertes et les dommages de leurs infractions.

3. C'est dans cette veue, que sadite Majesté, desirant oster aux princes de l'Empire les inquietudes qu'ils pourroient avoir de ses pretentions, quoy qu'il luy soit assez facile d'en faire voir la justice, sur plusieurs pays et estats, en vertu des traittés de Westphalie et de Nimegue, et des conferences tenues à Nimegue entre ses ambassadeurs et ceux de l'Empereur, elle veut neantmoins pour le bien de la paix les reduire à la ville de Strasbourg, terres et droits, dont elle jouissoit lors de sa soumission, comme aussy à tous les pays dont sa Majesté Tres Chrestienne se trouvoit en possession le jour que ses ambassa-

deurs sont partis de sa cour pour se rendre aux conferences de Francfourt, renonçant pour elle, ses hoirs et successeurs, à toutes sortes de pretentions sur les terres et droits appartenantes à l'Empire, et declare n'y avoir jamais rien à pretendre sous le nom de dependence, reunion, ou autre pretexte, tel qu'il puisse estre, à condition que, quelques droits ou connoissance qui se puisse recouvrer à l'avenir de part ou d'autre, ils seront censés de nulle valeur, et ne pourront avoir aucun effet contraire à la position des limites declarées par sa Majesté dans le present article.

4. Sur ce fondement sa Majesté Tres Chrestienne et son Altesse Electorale de Brandebourg entrent de nouveau dans une garantie mutuelle de tous leurs estats, droits, possessions, jurisdictions, et enfin dans touts les engagemens stipulés par le susdit traitté d'alliance defensive, signé à Cologne sur la Sprée le 11/1 Janvier 1681, sans en excepter aucun.

. . . . . .

8. Comme sa Majesté Tres Chrestienne a desja promis à son Altesse Electorale le secours stipulé dans le traitté de l'année precedente en cas qu'elle fust attaquée par le Roy d'Espagne, ou par quelque autre, sous pretexte que son Altesse Electorale auroit envoyé quelques fregattes en mer, pour tirer satisfaction dudit Roy Catholique sur le payement des subsidés retardés, et autres pretentions legitimes et incontestables, sa Majesté Tres Chrestienne, pour donner d'autant plus de marques de la sincerité de son amitié envers son Altesse Electorale, a bien voulu s'engager en vertu de ce present article de vouloir luy accorder le mesme secours et la mesme assistence exprimée dans le susdit traitté, si elle venoit a estre attaquée par qui que ce puisse estre, soit par terre ou par mer, sous ombre qu'elle se seroit procurée par les moyens qu'elle auroit jugé les plus propres le payement et la satisfaction de ce qui luy est justement deu, et qu'elle est en droit de pretendre de quelques autres, sa Majesté s'engageant de plus à employer par tout ses offices les plus efficaces pour seconder et faire réussir les vues et les intentions que son Altesse Electorale peut avoir sur ce sujet.

9. Sa Majesté Tres Chrestienne continuera à accorder aux vaisseaux de son Altesse Electorale l'entrée et la retraitte libre et asseurée dans tous ses ports et havres, tant en Europe qu'ailleurs, en cas qu'ils fussent obligés d'y mouiller l'ancre, ainsi qu'elle la leur a accordée jusques à present; Et comme son Altesse Electorale a fait establir depuis quelque temps une certaine compagnie, qui sous son octroy et sous son pavillon trafique sur les costes d'Afrique en Guinée et ailleurs, ou la France ny aucun autre puissance n'ont ny forts ny colonies, sa Majesté Tres Chrestienne promet toutes sortes de faveurs, protection, et assistance à cette compagnie en cas qu'elle ou ses vaisseaux fussent attaqués ou insultés injustement et contre le droit des gens, de qui que ce soit, et sous quelque pretexte que ce pût estre.

10. La presente alliance demeurera secrete, et durera dix années consécutives à commencer du jour de la ratification eschangée, avec cette condition expresse, que, si dans le cours de ceux dix années l'une ou l'autre des parties se trouvoit engagée dans une guerre, ou dans un cas exprimé par cette alliance, la partie requise s'engage et promet de continuer l'assistance, fournir les secours, et executer de point en point toutes les obligations du traitté sans avoir esgard à ce que le temps de sa durée soit expire: ce qu'elle continuera jusques à la fin de l'accommodement à l'entière satisfaction du requérant.

11. Sa Majesté Tres Chrestienne et son Altesse Electorale de Brandebourg promettent et s'engagent de fournir la ratification de ce present traitté

en forme deue, en six sepmaines à conter du jour de la date, ou plustost, s'il est possible.

Fait à Cologne sur la Sprée le 22 st. n./12 st. n. jour de Janvier 1682. Signé Rebenac Feuquière, de Jena et Meinders avec le cachet de leurs armes.

Nous avons aggrée et ratifié ledit traitté et un chacun des articles d'iceluy comme nous l'aggreons et ratifions en vertu des presentes, signées de nostre main, promettans en foy et parole de prince de l'accomplir et observer inviolablement selon sa forme et teneur, sans souffrir qu'il y soit jamais contrevenu, directement ny indirectement, pour quelque cause ou occasion que ce puisse estre; En tesmoin de quoy nous avons signés les presentes de nostre main et y fait apposer le scel de nos armes.

Donné à Cologne sur la Sprée le vingtiesme jour de Fevrier l'an de grace mil six cents quatre vingt et deux.

Frideric Guillaume, Electeur.

77.

Truce for twenty years between France and Spain, concluded at Ratisbon, August 15, 1684, N. S. Ratification by Spain, September 17, 1684. [*Ratification by France, September 20, 1684.*]

INTRODUCTION.

For several years following the peace of Nymwegen,[1] France treated Spain with unbearable insolence. In the Spanish Netherlands Louis XIV. claimed many places, especially on the ground of the treaty of Nymwegen as interpreted by the chamber of Metz.[2] His chief pretension was to the fortified town of Luxembourg, which, dominating the valley of the Moselle, was regarded as the key to Germany. To compel Spain to surrender this fortress, the French king sent his troops into the Spanish Netherlands to live at the expense of the country.[3] On December 11, 1683, Spain declared war on France. The war was notable for the atrocities committed by the French in Flanders. French forces also entered Catalonia, and bombarded Genoa, which had aided Spain.

Spain received little help from her allies. The Dutch gave some limited support, which the Prince of Orange was unable to increase on account of the opposition of a faction of his countrymen who were encouraged by D'Avaux, the French ambassador at the Hague.

Charles II. of England, having promised Louis XIV. to withdraw gradually from his Spanish alliance of 1680,[4] and to permit Louis to seize Luxembourg, offered his services as arbitrator.[5] Suspecting his treachery Spain declined his offer.

The Emperor, deeply aggrieved by the seizure of Strasbourg, and the other encroachments of France, was prevented from joining Spain against Louis

[1] See above, pp. 261-262.

[2] See Rousset, *Louvois*, tom. I., pt. II., pp. 212 ff., and *cf.* above, pp. 275, 280.

[3] *Oeuvres de Louis XIV.*, IV. 264 ff.

[4] See above, Doc. **74.**

[5] Dalrymple, *Memoirs*, vol. I., app. to *Review*, p. 370; app. to pt. I., bk. I., pp. 85, 93 ff. There is a "projected treaty between England and France, 1682," preserved in the British Museum, Add. MSS. 34517 f-49, among the papers of Lord Preston, who in the spring of 1682 was sent to France as envoy extraordinary. In this *projet* the King of England promises "to make a defensive alliance with the States of Holland and to exclude the Most Christian King and force him to keep peace". This will give France a pretext for war against the States. The English will then aid the French with ships and troops, and the alliance will last until Holland submits to them. When these provisions are accepted a treaty will be instituted "how to divide the East and West India Company, and that the two nations, English and French only, are to sail unto those parts. Then an agreement is to be made between them, which is to comprehend all the Provinces without and within Europe". France is to pay 6000 florins to Charles, and supply troops to assist in freeing him from the obligation of calling Parliament.

XIV. by the advance of the Turks toward Vienna, which they besieged in July, 1683. Brandenburg's alliance with France [6] also prevented the Empire from acting in favor of Spain. The Imperial diet was divided in its sympathies.

At the Hague, D'Avaux's diplomacy had a large measure of success, and the capture of Luxembourg by the French on June 4, 1684, persuaded the States General of the necessity of accepting the terms proposed by France.

On June 29, 1684, the States concluded a treaty with France whereby they agreed to bring Spain to accept a truce in all the dominions of both powers, for twenty years, during which the French king should keep all the places possessed by him at the Peace of Nymwegen and in August, 1681, as well as Luxembourg, Beaumont, Bouvines, Chimay, and their dependencies. If Spain ratified these conditions within six weeks, France would restore to her Courtrai and Dixmude, dismantled. The diet at Ratisbon, continuing the efforts of the Frankfort Conference [7] to compose the differences between France and the Empire with regard to the decrees of reunion, would have a month in which to agree to the truce.[8]

Abandoned by the Dutch, Spain could resist no longer, but to save her pride empowered the Emperor, who had virtually accepted the French terms, to act on her behalf at Ratisbon. On August 15 two treaties of truce were signed there, one between France and the Empire, and the other, of which a few articles are printed below, between France and Spain. The first article of the Franco-Spanish treaty provided for a truce within Europe and without, and on both sides of the Line.

Although France thus agreed to a truce in America, she was far from desiring peace there. Louis XIV. and Seignelay, fully informed by Vice-Admiral d'Estrées of Spain's weakness in the Gulf of Mexico and on the Main,[9] wished to drive the Spaniards out of all that region. The recent occupation by the French of a part of Santo Domingo [10] seemed likely to help towards this end. An expedition of filibusters from the island, in 1683, had seized and plundered Vera Cruz.[11] A large design for troubling Spanish America, laid before Louis XIV. and Seignelay by La Salle in the spring of 1684, won their approval.[12] In important respects it resembled plans also being

[6] The Franco-Brandenburg alliance of January 12/22, 1682 (Doc. **76**), was followed by those of Apr. 30, 1683, and Oct. 25, 1683. G. Pagès, *Le Grand Électeur et Louis XIV.*, pp. 498-512, 638-644.

[7] See above, p. 282.

[8] The text of the treaty is in Dumont, *Corps Diplomatique,* tom. VII., pt. II., pp. 79-81.

[9] On the expeditions of D'Estrées to the Gulf, see above, pp. 261 and 263. The vice-admiral wrote from Petit Goave, Santo Domingo, Aug. 24, 1680: "Ce que j'ay veu me confirme qu'on pourroit les obliger à partager les richesses des Indes, car je ne doute pas qu'on ne pût se fortifier sur la mer du Sud. Il pourroit arriver telle résolution à la monarchie d'Espagne que ces peuples choisiroient la domination du Roy plustost que celle d'aucun autre prince." Quoted by Charles de La Roncière, *Histoire de la Marine Française,* V. 704. *Cf.* also Margry, *Découvertes,* III. 9.

[10] See above, Doc. **72,** art. 11.

[11] P. F. X. de Charlevoix, *Histoire de l'Isle Espagnole* (1730-1731), II. 133; C. H. Haring, *Buccaneers in the West Indies in the XVII. Century* (1910), p. 241.

[12] Margry, *Découvertes,* II. 354, 359 ff.

urged by a regenade Spaniard, Peñalosa.[13] La Salle proposed to establish a colony near the mouth of the Mississippi, not only to connect the region of the Gulf with Canada, but also to form a base for operations against Spain. In particular, if war with Spain continued, La Salle proposed with the aid of a small force from France, filibusters from Santo Domingo, large numbers of Indians, and aid from the Creoles, to wrest a rich district of northern Mexico from Spain. If peace with Spain should prevent the immediate accomplishment of this design it could be carried out at the next rupture.[14] If the Spaniards should refuse to satisfy France, the enterprise might hasten them to conclude a peace, and to give important places to Louis in Europe in exchange for what they would have lost in America.[15] Other nations would appropriate the proposed place of settlement if France did not. By the middle of June Louis was impatient for the speedy departure of La Salle's little fleet,[16] since delay might endanger the success of the enterprise.[17] Sailing in July, it was forced by a mishap to return to Rochelle, whence it finally departed on August 1, a fortnight before the conclusion of the truce of Ratisbon.

The failure of La Salle's plans is well known. When Spanish officials first learned of them in the summer of 1685 they were greatly disturbed, and despatched several expeditions to destroy the colony which they believed he had planted.[18]

Bibliography.

Text: MS. The original treaty as well as the ratification by Spain are preserved in the archives of the Ministry of Foreign Affairs in Paris.

Text: Printed. H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893-1899), II. 143-148, in *Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire*; Abreu y Bertodano, *Colección de los Tratados* (1751-1752), III. 84-93; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. II., pp. 83-85.

Translations: French. F. Léonard, *Recueil des Traitez de Paix* (1693), IV. **Spanish.** Abreu y Bertodano, *loc. cit.*

References: Contemporary and early writings. P. Margry, *Découvertes et Établissements des Français dans l'Ouest et dans le Sud de l'Amérique Septentrionale* (1879-1888), II. 292-294, 354-504, *passim*, III. 3-28, 44-101, 567 ff. Translations of many of the documents relating to La Salle's expeditions of 1684 and 1685 are in B. F. French, *Historical Collections of Louisiana*, pt. I. (1846, 2d ser., 1875), and in I. J. Cox, *The Journeys of René Robert Cavelier, Sieur de La Salle* (1905). C. Fernández Duro, "Don Diego de Peñalosa", in *Memorias de la Real Academia de la Historia*, tom. X. (Madrid, 1882); *The Negotiations of Count d'Avaux* (1754, 1755), vol. II.; *Négociations de M. le Comte d'Avaux en Hollande* (1752), toms. I.-III.; Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (1790), I. 98-113; *Oeuvres de Louis XIV.* (1806), IV. 874-882.

[13] *Cf.* Miller, "Connection of Peñalosa with the La Salle Expedition", in the *Quarterly* of the Texas State Historical Association, V. 97 ff.

[14] Margry, *op. cit.*, II. 361, 365.

[15] *Ibid.*, p. 365.

[16] *Ibid.*, pp. 367-369.

[17] *Ibid.*, pp. 387, 389, 392, 394.

[18] W. E. Dunn, "Spanish Search for La Salle's Colony", *Southwestern Historical Quarterly*, XIX. 323 ff. (April, 1916).

References: Later writings. Francis Parkman, *La Salle and the Discovery of the Great West* (1879), pp. 322 ff.; J. G. Shea, *The Expedition of Don Diego Dionisio de Peñalosa in 1662, as described by Father Nicholas de Freytas, O. S. F.* (New York, 1882), introduction; J. Winsor, *Cartier to Frontenac: Geographical Discovery in the Interior of North America in its Historical Relations, 1534-1700* (1894), pp. 307-325; E. T. Miller, "The Connection of Peñalosa with the La Salle Expedition", in the *Quarterly* of the Texas State Historical Association, V. 97 ff.; R. C. Clark, "The Beginnings of Texas", *ibid.*, pp. 171 ff.; H. E. Bolton, "The Location of La Salle's Colony on the Gulf of Mexico", in the *Mississippi Valley Historical Review,* II. 165 ff. (September, 1915); W. E. Dunn, "The Spanish Search for La Salle's Colony on the Bay of Espiritu Santo, 1685-1689", in the *Southwestern Historical Quarterly,* XIX. 323 ff. (April, 1916); [for further bibliographical references to La Salle's last expedition, see I. J. Cox, *op. cit.,* II. 246 ff., and A. P. C. Griffin's "Bibliographical Account", in H. R. Stiles, *Joutel's Journal of La Salle's Last Voyage, 1684-1687* (Albany, 1906)]; A. Levae, *Essai Historique sur les Négociations de la Trêve de Vingt Ans, conclue à Ratisbonne en 1684* (Brussels, 1844); H. Pirenne, *Histoire de Belgique* (1900, etc.), V. 33-39; H. Lonchay, "La Rivalité de la France et de l'Espagne aux Pays-Bas", in *Mémoires* of the Académie Royale des Sciences, des Lettres, et des Beaux-Arts de Belgique, tom. LIV. (1896), pp. 296-305; H. Vast, *op. cit.,* II. 42-46; C. Rousset, *Histoire de Louvois* (1862, 1863), III. 212-268.

TEXT.[19]

Don Carlos, por la gracia de Dios rey de las Españas, etc. Por quanto se hallava antecedentemente el Serenissimo señor Emperador mi tio, con poder y amplia facultad para tratar, aceptar, y concluir en mi nombre qualesquiera tratados de paz o tregua con el Rey Christianissimo que hallase convenir o bien visto le fuese; y haviendole sostituydo (en virtud de las clausulas que contenia para ello) en sus ministros residentes en el congreso de Ratisbona, se ha stipulado y ajustado entre ellos y el del Rey Christianissimo, que assi mismo se hallava authorizado y con plenipotencia para este fin, el tratado de tregua por veinte años, cuya copia, en lengua latina, es del tenor siguiente.

1. Juxta conditiones a Rege Christianissimo oblatas pro pacis restauratione, Rex Catholicus amplectitur vicennales inducias a die subscriptionis hujus tractatus computandas, quibus durantibus cessent utrinque, tam terra quam mari aliisque aquis, omnes hostilitates in omnibus regnis, regionibus, provinciis, territoriis, et dominiis, in et extra Europam, tam cis quam trans Lineam, omniaque restituantur hinc inde in eum statum in quem pace Neomagensi fuere constituta, exceptis tamen illis de quibus sequentibus articulis ratione possessionis fuerit conventum, qua Reges Catholicus et Christianissimus, durantibus induciis vicennalibus, reciproce gaudebunt.

. . . . . .

5. Tenebitur etiam Regia Christianissima Majestas, post editam ex parte Hispaniae ratihabitionem, copias suas ex dominiis Regiae Catholicae Majestatis revocare, ubicumque locorum sita sint; vicissim etiam Rex Catholicus ab

[19] The text is taken from the ratification by Spain in the archives of the Ministry of Foreign Affairs in Paris.

omni actu hostilitatis abstinebit, etiamque ex parte sua pro restauratione tranquillitatis publicae et mutuae amicitiae inter subditos utriusque Regis Catholici et Christianissimi eadem servabit, ad quae Regia Christianissima Majestas sese praesenti hac conventione obstringit.

. . . . . .

10. Sacra Catholica Majestas ut et Sacra Christianissima Majestas consentiunt, ut Imperator, Universum Sacrum Romanum Imperium, Rex Magnae Britanniae, Confoederatarum Provinciarum Ordines, et denique omnes reges, principes, respublicae, ac status, qui hanc obligationem in se suscipere volent, utrimque promittant, se pro restauranda et assecuranda bona fide ac universi orbis Christiani tranquillitate, horum pactorum guarantiam in se suscepturos.

11. Inducias hoc modo factas promittunt utrique altememorati reges in forma debita solitaque ratihabitum, solemniaque desuper ratihabitionum instrumenta intra spatium sex septimanarum, vel citius si fieri poterit, a die subscriptionis computandum, vel hic vel in aula Christianissimi Regis reciproce riteque commutatum iri.

Nos infrascripti Sacrae Caesareae Majestatis nomine Catholici Regis subdelegati agnoscimus articulos supra expressos cum Christianissimi Galliarum Regis domino plenipotentiario hodie fuisse conclusos, tum tamen primum cum ipsum armistitium cum Imperatore et Imperio fuerit conclusum subscribendos: et imposterum nullo modo immutandos esse, nec per Regem Catholicum, utpote cujus ratificatio jam adest, quae etiam tamdiu subsistet, usque dum alia si forsan necessaria videbitur, intra tempus supra determinatum vel hic vel ad aulam Christianissimi Regis adferatur, nec per Christianissimum Regem, quippe quod de ejus ratificatione intra spatium prius expressum, vel citius si fieri poterit, a tempore subscriptionis computandum, certo certius adferenda per praedictum dominum plenipotentiarium promissio fuerit facta. Actum Ratisbonae decima Augusti, anno Domini millesimo sexcentesimo octogesimo quarto.

MARQUARDUS, episcopus et
princeps Eystettensis.

AMADEUS, comes de WINDISGRATZ.
FRANCISCUS MATTHIAS MAY.

Haviendose visto y examinado este tratado, he resuelto aprobarle y ratificarle como en virtud de la presente le apruevo y ratifico, en la mejor y mas amplia forma que puedo, prometiendo en fee y palabra real de cumplirle enteramente como en el se contiene; para lo qual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada de mi infrascripto secretario de estado. Dada en Madrid a de mil seiscientos y ochenta y quatro.

YO EL REY.

CRISPIN BOTELLO.

TRANSLATION.

Charles, by the grace of God King of Spain, etc. Whereas before this the Most Serene lord the Emperor my uncle had power and ample authority to treat, accept, and conclude in my name any treaties of peace or truce with the Most Christian King which might be found or regarded as suitable, and having transferred that power (in virtue of clauses which it contained for

that purpose) to his ministers resident at the Congress of Ratisbon, there has been stipulated and concerted between them and the minister of the Most Christian King, who in like manner had authority and full powers for that purpose, the treaty of truce for twenty years, the text of which, in the Latin language, is of the following tenor:

1. In conformity with the conditions offered by the Most Christian King for the restoration of peace, the Catholic King accepts the truce of twenty years (to be reckoned from the day of the signing of this treaty) during which all hostilities shall cease on both sides, both by land and by sea and other waters, in all their kingdoms, countries, provinces, territories, and dominions, within Europe and without, both on this side of and beyond the Line, and everything shall be restored, on both sides, to the state established by the peace of Nymwegen, excepting what shall have been differently regulated in the following articles in regard to the possession which the Catholic and the Most Christian kings shall reciprocally enjoy during the twenty years' truce. . . . .

. . . . . .

5. His Most Christian Majesty shall also be obliged, after the delivery of the ratification by Spain, to recall his forces from the dominions of his Royal Catholic Majesty, wherever situated. The Catholic King, on the other hand, shall likewise abstain from every act of hostility, and shall also observe on his side those measures for the restoration of public tranquillity and mutual amity between the subjects of both the Catholic and the Most Christian King to which his Royal Most Christian Majesty engages himself by the present convention.

. . . . . .

10. His Sacred Imperial Majesty, both for himself and in the name of the Catholic King, as also his Most Christian Majesty, agree, that the Emperor, the entire Holy Roman Empire, the King of Great Britain, the States of the United Provinces, and finally all kings, princes, republics, and states, who may wish to enter into this engagement, shall promise both parties to undertake the guaranty of these treaties, for restoring and securing the good faith and universal tranquillity of the Christian world.

11. Both the aforesaid kings promise that the truce thus made shall be ratified in due and customary form, and that moreover formal instruments of ratification shall be reciprocally and duly accepted, either here or at the court of the Most Christian King, within the space of six weeks, to be reckoned from the day of signature, or sooner if possible.

We the undersigned, delegates of his Sacred Imperial Majesty, in the name of the Catholic King, acknowledge the above articles to have been concluded this day with the lord plenipotentiary of the Most Christian King of France, but to be signed only when the armistice itself has been concluded with the Emperor and the Empire; and that they are hereafter not to be changed in any manner, either by the Catholic King, whose ratification is now at hand and is to hold good until another, if it shall seem necessary, is within the above defined time brought either here or to the court of the Most Christian King, nor to be changed by the Most Christian King, inasmuch as the aforesaid lord plenipotentiary has made the most explicit promise for the bringing of his ratification within the time above defined, to be reckoned from

the time of signature, or sooner if possible. Done at Ratisbon on the tenth of August in the year of our Lord one thousand six hundred and eighty-four.

MARQUARD,
prince-bishop of Eichstätt.

AMADEUS, count WINDISCHGRÄTZ.
FRANTZ MATTHIAS MAY.

Having seen and examined this treaty, I have resolved to approve and ratify it, as in virtue of these presents I do approve and ratify it in the most full and ample form possible, promising on my faith and royal word to fulfill completely all that it contains, to which end I have commanded these presents to be executed, signed with my hand, sealed with my privy seal, and certified by my undersigned secretary of state. Done in Madrid on [the seventeenth of September] one thousand six hundred and eighty-four.

I, THE KING.
CRISPIN BOTELLO.

78.

Treaty between Brandenburg and Denmark concerning the island of St. Thomas, concluded at Copenhagen, November 24/December 4, 1685. Ratification by Denmark, January 5, 1686. [Ratification by Brandenburg, December 19, 1685.]

Introduction.

Frederick William, the Great Elector, and his director general of maritime affairs, B. Raule, were eager to obtain for Brandenburgers the benefits of the slave trade with Spanish America. This trade had, for many years, brought profit to the Dutch, and, to a smaller degree, to the English.[1] By 1685 Dutch financiers and merchants, acting through the Dutch West India Company, and strongly backed by their government, had acquired the management of the asiento, or contract for supplying Spanish America with slaves.[2] By engaging in this traffic Raulé (a renegade Dutchman) expected to ruin the Dutch West India Company,[3] and insure the success of the Brandenburg-African Company, chartered in 1682.[4]

Since the Spaniards, in accordance with their established policy, refused to let the Brandenburgers ship negroes directly to the Spanish islands, and since they suggested that they be delivered at some other American port, the elector tried to acquire such a depot.[5] He would gladly have taken over the Spanish island of Trinidad, in payment of Spain's debt to Brandenburg, but Spain would not cede it.[6] Turning to France, which, by a recent treaty, had promised to favor the ships of the Brandenburg-African Company in the West Indies,[7] the elector sought to buy St. Vincent or St. Croix, or, failing that, to secure a station for the company on St. Vincent. France, however, would not accept these proposals.[8] The elector, therefore, applied to Denmark, another friendly power,[9] for permission to build lodges for negroes on the island of St. Thomas,

[1] See G. Scelle, *La Traite Négrière aux Indes de Castille* (1906), I. 523 ff., for an account of agreements made between the asientists and English and Dutch merchants from 1663 onwards.

[2] *Ibid.*, pp. 575 ff., 599-660.

[3] Schück, *Brandenburg-Preussens Kolonial-Politik*, I. 148, 195. *Cf.* above, p. 281.

[4] *Ibid.*, pp. 192, 193. For other references to this company, see above, pp. 280, 281.

[5] Schück, *op. cit.*, I. 192.

[6] A. Waddington, *Le Grand Électeur Frédéric Guillaume de Brandebourg* (1905-1908), II. 525.

[7] See above, Doc. **76**, art. 9.

[8] Schück, *op. cit.*, I. 192.

[9] After Sweden, in October, 1681, joined the United Netherlands in the Treaty of Association (see above, p. 280), the diplomatic efforts of France and Brandenburg prevented Denmark from taking a place by her side. For the next few years Denmark stood in close relations with Brandenburg and France, but when, from the spring of 1685, the Great Elector, alarmed for the safety of Protestantism in Europe, abandoned his designs against Sweden, withdrew from France, and, in August, 1685, re-established his alliance with the United Netherlands, relations between Denmark and Brandenburg cooled. Waddington, *op. cit.*, II. 487, 491 ff., 502 ff., 517, 527 ff., 558, n. 4.

one of the Virgin Islands, where, since 1672, the Danish West India Company had been established.[10] Finding the Danish king compliantly disposed, the elector entrusted the main negotiations to Raulé. Conferences, held for the most part at Copenhagen, lasted about six weeks. The King of Denmark's suggestion to unite the Danish and Brandenburg companies was unacceptable to the elector. The Danes refused to relinquish their sovereignty over any part of the island, but finally agreed to let the Brandenburgers secure a foothold there.[11] The treaty was signed at Copenhagen on November 24, 1685, by Raulé and two directors of the Danish West India Company. Two supplementary declarations were issued in the following year.

The treaty provided that the Brandenburgers might have as much land on St. Thomas as could be conveniently cultivated by two hundred slaves, and trading privileges for at least thirty years. It regulated the taxes payable by the Brandenburgers to the Danish Company, from which the company expected a substantial income;[12] and prescribed methods of settling disputes between subjects of the two nations. It permitted the Brandenburgers to trade where the Danes had free trade, and even to traffic with buccaneers, Spaniards, and others at their own risk, and with responsibility for any harm arising therefrom to the Royal Company. It prohibited the subjects of the two nations from competing on the Slave Coast to each other's disadvantage; and forbade the Brandenburgers to enter into agreements respecting commerce or the land, without permission from the Danish Company; or respecting slaves, without giving the Danes an opportunity to participate. In the event of war between the two nations, the Brandenburgers were not to be disturbed in their privileges. They were not to engage in privateering without permission of the Royal Company, or to its prejudice.

A lack of precision in the terms of the treaty was a contributory cause of the dissensions arising between the two companies soon after the Brandenburgers came to St. Thomas.[13]

Further explanations were however made by the Danish authorities, on request of Raulé, in a declaration dated March 5, 1686. It provided, referring to article II. of the treaty, that the commercial director sent out by Brandenburg might have his own choice of vacant land for the two hundred slaves to cultivate. Under article XIII. it amplified the privileges as to taking wood for ballast. It improved the provision for immediate housing of the Brandenburg settlers. It defined more closely the regulations respecting seapasses made in article XXXIII. It extended the provision for defense of the Brandenburgers (art. XXXI.) to include their ships. It gave license, under some regulation, for the Brandenburgers to trade with the buccaneers, Spaniards, and other nations, extending article XXXV. to this ordinarily illicit trade.

[10] Westergaard, *The Danish West Indies*, ch. I.; Schück, *op. cit.*, I. 192, 193.
[11] Schück, *op. cit.*, I. 193-197.
[12] Westergaard, *op. cit.*, p. 78.
[13] *Ibid.*, pp. 78-87.

A further declaration, of October 2, 1686, explains that the land allotted for slave cultivation is not to be too near the fort; makes further allowances respecting wood; and guards the provisions respecting trade with the buccaneers.[14]

Bibliography.

Text: MS. The ratification by Brandenburg is in the Rigsarkiv at Copenhagen. That by Denmark is in the Geheimes Staatsarchiv at Berlin. The declarations are both in the latter repository.

Text: Printed. R. Schück, *Brandenburg-Preussens Kolonial-Politik unter dem Grossen Kurfürsten* (1889), II. 257-267, 278-281, 293-295. Abstracts of the treaty and declarations are in Th. von Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), pp. 470-475.

References: Contemporary and early writings. *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg* (1864, etc.), Bd. XIX. (ed. F. Hirsch), p. 690. Other references will doubtless be found in subsequently published volumes of this work, continuing the account of Danish-Brandenburg relations.

References: Later writings. R. Schück, *op. cit.*, I. 174, 192 ff.; W. Westergaard, *The Danish West Indies* (1917), pp. 75 ff.; A. Waddington, *Le Grand Électeur* (1905-1908), II. 496.

Text.[15]

Wir, Friderich Wilhelm, von Gottes gnaden marggraff zu Brandenburg, des Heiligen Römischen Reichs ertz cammerer undt churfürst, in Preussen, zu Magdeburg, Jülich, Cleve, Berge, Stettin, Pommern, der Cassuben undt Wenden, auch in Schlesien zu Crossen undt Jägerndorff hertzog, burggraff zu Nürnberg, fürst zu Halberstadt, Minden undt Cammin, graff zu Hohenzollern, der Mark und Ravensberg, herr zu Ravenstein undt der lande Lauenburg undt Bütow, uhrkunden undt fügen hiermit zu wissen:

Demnach zwischen ihre Königliche Majestäts zu Dennemarck West Indische Compagnie directoren an einer, undt unseren dessfals an höchstermeldte ihre Königliche Majestät ohnlängst abgefertigten rath undt directeur general de marine Benjamin Raule anderer seits, krafft der von beyderseits principalen erhaltener absonderlichen vollmacht undt befehls wegen der navigation undt des handels auff der insul St. Thomas ein gewisser vergleich und accord getroffen, schriftlich abgefasset, undt von beyderseits rathen und commissarys zu Copenhafen den 24 den jüngst verrichenen monaths Novembris eigenhändig unterschrieben undt vollzogen worden, welcher vergleich von wort zu wort also lautet:

Dero Königliche Mayestät zu Dennemarch-Norwegen verordnete directeurs der Königlichen Dänischen octroyrten West-Indischen undt Guineschen Compagnien thuen hiermit kundt undt zu wissen, dass nachdeme ihr Churfürstliche Durchlaucht von Brandenburg dero rath undt general directorn Monsieur Raule anhero abgeordnet haben, umb vor die Brandenburgische unterthanen die freyheit zu suchen, damit dieselbe, auff gewisse masse, wie andere ihrer Königlichen Mayestät unterthanen, auff der insul St.

[14] These declarations are printed in Schück, *op. cit.*, II. 278-281, 293-295.

[15] The text is taken from the ratification by Denmark, preserved in the Geheimes Staatsarchiv at Berlin.

Thomas wohnen undt bauen möchten, wie auch mit der Königlichen Compagnie wegen des freyen handels auff West Indien zu negotyren, undt ihre Königliche Mayestät, unser allergnädigster König undt Herr, gerne sehen, dass ihre Churfürstliche Durchlaucht wegen solcher durch dero general directorn Monsieur Raule gethanen proposition undt begehrens nach müglichkeit vergnuget werden möchten, zu dem ende auch uns allergnädigsten befehl gegeben, derentwegen mit wohlgedachtem Chur-Brandenburgischen herrn general directeurn in nähere handlung zu treten, welchem zu allerunterthänigsten folge wir, bis auff mehr höchstgedacht ihr Königliche Mayestät allergnädigste approbation mit demselben uns folgender articulen vereiniget.

1. Bey ihrer Königlichen Mayestät verbleibet allezeit, gleich über alle dero andere reiche undt lande, die unveränderliche souverainität, absolutum dominium, hoch undt [niedere] gerechtigkeit über die insul St. Thomas, St. Jean, undt alle andere umbher liegende undt darunter sortirende eiländer, in West Virgin,[16] alwo entweder die Compagnie schon in wirklicher possession ist, oder vor diesem einigen actum possessorium exerciret haben mag, undt soll daneben dieser contract keines weges der von höchstgemeldt ihrer Königlichen Mayestät Löblichen Dänischen Compagnie allergnädigst ertheilten octroye undt reglement praejudiciren, gestalt dan auch die Brandenburgische privilegirte desswegen genugsam versichert sein können, dass ihre Königliche Mayestät sowohl für die festungen undt deren defension undt maintenirung auff obbesagten insulen, als für die conservation der Brandenburgischen privilegirten (solange sie nichtes wiederliches gegen ihre Königliche Mayestät und die Compagnie vornehmen, sondern in allen nachfolgenden puncten unterthänigst undt gehorsambst nachleben) nicht weniger als für ihre andere reiche undt landen alle mögliche vorsorge tragen werden.

2. Ihrer Churfürstliche Durchlaucht von Brandenburg unterthanen, so lust haben nach der insul St. Thomas sich zu verfügen, würdt so viel wüst und ungebautes undt beyeinander gesambletes landt angewiesen, als sie mit zweihundert esclaven gemächlig können bauen lassen, und was an bäumen auff selbigem angewiesenen lande gefunden wirdt, soll ihnen zu freyer disposition zugehören. Wann aber bey ihrer ankunfft einiges landt vorhanden, worauff bereits bäume gekapt undt abgehauen, aber weder von der Compagnie noch anderen in possession genommen währen, solches soll ihnen dann vergönnet undt angewiesen werden, welches sie dan auch eben wie ihrer Königlichen Mayestät unterthanen erblich besitzen sollen.

3. Soll denen Brandenburgischen privilegirten vergönnet sein, ihrem handel, der Dänischen Compagnie gleich, dreyssig nach einander folgende jahre zu treiben, von der zeit an zu rechnen, da das erste schiff mit volk undt materialien dahin gesandt wirdt, undt im fall sie länger freyen handel daselbst begehren, sollen sie gehalten seyn, gegen den ausgang solcher ihnen vergönneten jahre, umb weitere confirmation anzuhalten.

4. Alle ein undt auslösung sollen die Brandenburgischen privilegirten thuen in ordinairen haffen undt rechten loss undt ladungs plätzen bei der festung Christiansfort oder wo der commandant auff Christiansfort es umb die gerechtigkeit der Compagnie desto besser zu observiren vor gut halten möchte, undt sollen sie ihre güter, sowohl ein- als ausgehende, richtig undt ohne fraude angeben.

5. Umb die Brandenburgische privilegirte desto mehr zu beneficiren soll das landt, welches denselben zu ihren plantagen angewiesen würdt, undt sie

[16] *Sic*; perhaps a mistake for West Indien.

mit ihren eignen esclaven bebauen, undt auffs neue einrichten lassen, mit dem, so sie darin solcher gestalt zu ihrem eignen gebrauch undt unterhalt benöthiget, in den dreyen ersten jahren, von der zeit an zu rechnen, da das erste schiff mit bauer materialien undt was sonsten zu ihrem unterhalt nöthig, dort zu lande ankommen würdt, frey von allen landtschulden undt eingehenden licenten seyn; von allen kauffmanschaften, negros und esclaven aber, welche sie selber mit ihren eigenen schiffen zu lande bringen, umb aldar zu verhandeln oder wieder auszuführen, soll in den bemeldten dreyen ersten jahren für das eingehende nur ein halb pro cento, undt für das ausgehende ein pro cento, in natura, an die Dänische West Indische Compagnie bezahlet werden, jedoch dass sie alles richtig angeben sollen.

6. Nach verlauff gemeldter drey jahren sollen die Brandenburgische privilegirte gehalten seyn, von dem lande, welches ihnen angewiesen worden, jährlich an die Compagnie als landtschuldt zu bezahlen von einhundert fuss landt, zehen fuss lang undt zehen fuss breit, fünff pfundt toback oder dessen werth, undt so offt damit einige veränderung vorgehet, entweder dass ein stück landt an andere verheuret oder verkaufft würdt, oder auch auff begebenden sterbfall, sollen sie auffs neue der Compagnie zur recognition geben zwey pro cento von dem werth des landes, wie selbiges von unpartheyischen leuten kann taxiret werden.

7. Alle waaren ohne unterscheidt, die sie vom lande ausschiffen, sollen sie richtig auff dem von der Compagnie gedestinirten platz angeben undt von dem werth der waaren, so sie ausschiffen, soll bezahlet werden an die Dänische Compagnie fünff pro cento in natura, doch gemüntzet undt ungemüntzet silber oder goldt hierunter nicht verstanden, es sey dann, dass ins künfftige solte befunden werden, dass es bey anderen nationen auff ihren eyländern im gebrauch währe, dass von gemüntzet oder ungemüntzet goldt und silber etwas gegeben würde, alssdann die Brandenburgische privilegirte gleichermassen solche gerechtigkeit der Compagnie zu geben gehalten seyn sollen.

8. Von allen esclaven, ohne unterscheidt, so die Brandenburgische privilegirte ins landt einführen, soll an die Compagnie ein pro cento, und von denen, die sie auss dem lande entweder verkauffen oder ausgeführt werden, zwey pro cento in natura bezahlet werden.

9. Jedweder, manns bildt ohne unterscheidt, so im lande gefunden wirdt, über sechszehen jahr alt, soll jährlich der Compagnie geben einhundert pfundt zucker, und weibes bilder von gleichem alter fünffzig pfundt zucker, oder den werth nach couranten preiss, welche aber, auff dem land gebohren werden, sollen frey seyn, bis sie zwantzig jahr erreichet haben.

10. Alle ihre waaren, die ein oder auss gehen undt im lande verkaufft werden, sollen auff der Compagnie wage gewogen werden, undt von jeder 100 pfundt waaren, ohne unterscheidt, ein pfundt zucker, oder dessen werth an die Königliche Dänische Compagnie bezahlet werden.

11. Da aber einige der Brandenburgischen privilegirte nicht lust hätten, länger auff dem lande zu wohnen, sondern dasselbe quitiren undt ihre mittel aussführen wolten, auff solchen fall sollen sie von dem werth ihrer aussführenden mitteln an die Compagnie fünff pro cento zu bezahlen schuldig seyn.

12. Alle kauffmanns waaren, wie auch die zum essen undt trinken gehörige, wein und brandewein darunter begriffen, auch leinen undt wollen undt andere in Dennemarck undt Norwegen gemachte manufacturen, keine aussgesondert, so von denen Brandenburgischen privilegirten mit ihren schiffen nach St. Thomas geführet, undt dabey richtig bewiesen wirdt, dass sie an keinem andern ort gekaufft oder verarbeitet seyn, sollen auff vorgehendes richtiges angeben von allen eingehenden licenten frey seyn, von allen anderen waaren

aber, die keinen richtigen beweiss haben, dass sie wie vorgemeldt, in Dennemarck undt Norwegen gekaufft oder verarbeitet seyn, undt doch nach St. Thomas geführet werden, soll ohne unterscheidt an die Compagnie an licenten 3 pro cento in natura bezahlet werden.

13. Alle mineralien, salpeter, caccoum, pockenholtz, undt dergleichen mehr kostbares holtz, soll allein der Dänischen Compagnie ausszuschiffen reserviert seyn, das holtz aber, so auff dem lande, welches den Brandenburgischen privilegirten angewiesen wirdt, sich befindet, hierunter nicht begriffen, undt soll auch gemeldter Dänischen Compagnie allein zugelassen seyn, masten undt allerley bauholtz, eisen, pech, undt theer, nach St. Thomas zu führen undt zu verhandeln.

14. Was die administration der justizie betrifft, so ist man dessfalls folgender gestalt vereiniget, dass denen Brandenburgischen privilegirten zugelassen seyn soll, in rechts sachen, die unter ihnen selbst, in einen oder andern zufällen, entstehen können, in so weit ihr eigen recht zu haben undt in solchen sachen selbst zu richten undt zu urtheilen.

15. Wann aber zank oder disput auff ein oder andere manier zwischen ihrer Königliche Mayestät unterthanen undt bedienten der Dänischen Compagnie undt denen Brandenburgischen privilegirten vorfallen möchten, umb den nach müglichkeit weitläufftige processen, welche dem handel undt wandel sehr schädlich seynd, zu wehren, sollen die streitige partheyen ihre memorialen wegen ihrer sache an den Dänischen gouverneur eingeben, der alssdann Dänischer seiten zwey ehrliche undt unpartheyische leute erwehlen soll, wie dan auch Brandenburgischer privilegirter seiten ihr commercien directeur ebenfalls zwey männer erwehlen soll, denen dessfalls schrifftliche commission gegeben wirdt, beyde partheyen mit ihren beweisgebührender massen vor sich zu citiren undt auff geführten beweis den rechten nach undt ohne ansehen der personen darinnen innerhalb sechs wochen zu urtheilen. Im fall auch die erwehlte persohnen in solcher ihrer commission nicht accordiren konten, soll denen 4 zugelassen seyn, einmühtig die fünffte person zu benennen undt alssdann, nach den meisten votis ein nutliches undt rechtmässiges urtheil innerhalb vorgemeldter zeit abzusprechen.

16. Weil auch offtmals sachen von solcher weitläuffigkeit vorfallen, dass sie unmüglich innerhalb sechs wochen können abgethan werden, oder auch die partheyen selbsten die sache zu prolongiren suchen, auch die commissarien selber leichtlich schuldt haben könnten, so sollen die bey der sachen interressirende, so fern dieselben in der geterminirten zeit nicht zu ende kommen könten, mit ihrem memorial schrifftlich bey dem gouverneur auff St. Thomas einkommen darin die umbstände der sachen berichten, die ursache der gesuchten dilation zu erkennen geben undt nahmhafft machen, wie lange zeit sie vermeinen annoch zu ausführung der sache nöthig zu haben, alssdan ihnen die begehrte zeit vergönnet werden soll; da sie aber nicht destoweniger die sache länger auffhalten würden, sollen sie alss die, so das recht muthwillig verzögern, gestrafft werden undt ohne dem nach beschaffenheit etwas zu den armen geben.

17. In allen sachen so ehr undt leben angehen, wie auch in schuldtsachen, so die summa über fünffhundert reichsthaler betrifft, soll appellation vergönnet werden, jedoch dass der appellirende theil sich innerhalb sechs wochen nach ausspruch des urtheils angebe, undt soll auff solchem fall der gouverneur auff Christiansfort die citation allein ertheilen, das gericht auch von ihm undt denen ihme zur administration der justiz zugeordneten geheget, undt dazu in dergleichen sachen der Brandenburgische privilegirte commercien directeur mit sambt noch einem von den privilegirten gezogen, undt definitive in der

sachen erkandt werden. Da aber jemand von den streitenden partheyen vermeinte, dass ihnen durch solche urtheil zu nahe geschehen währe, denenselben soll zugelassen seyn, an die directeuren hiesiger Compagnie in Copenhagen in conformité der Königlichen octroye zu appelliren.

18. Denen Brandenburgischen privilegirten, die auff der insul St. Thomas wohnen wollen, wirdt zugelassen, frey zu handeln, gleich der Dänischen Compagnie, mit allen nationen, wo die Dänische freyen handel haben, nur allein dass sie an die Dänische Compagnie, wie vorgemeldt, von allem, was ein- undt aussgehet, was daran bereits stipulirt ist oder in nachfolgenden articulen wirdt specificirt werden, richtig bezahlen.

19. Der Dänischen octroyrten West-Indischen Compagnie undt denen Brandenburgischen privilegirten soll alleine frey stehen, esclaven nach St. Thomas zu bringen, umb dieselbe alda zu verkauffen oder ausszuführen, allen anderen aber solches verboten seyn; die contracten jedoch, so hiesige Compagnie wegen esclaven bereits geschlossen, bleiben in ihren vollen würden, ohne weitere consequenz.

20. Wann es auch geschehen möchte, dass das frembde und nicht privilegirte mit schlaven auff der cüste ankommen würden, umb dieselben alda zu verkaufen, so soll niemand von den einwohnern des landes freystehen, einige schlaven zu kauffen, sondern bleibet solches den gouverneur auff Christiansfort undt der Brandenburgischen privilegirten commerce-directoren zu gleichen theilen allein vorbehalten, undt sollen sie vor einen wohlgewachsenen frischen undt gesunden esclaven nicht höher als sechzig reichsthaler bezahlen, aber wohl vor geringern preiss kauffen mögen.

21. Wenns auch geschehen möchte, dass zwey schiffe, nähmlich ein Dänisches undt ein Brandenburgisches, entweder zugleich oder auch eins nach dem anderen, kommen möchten auff der esclaven cüste zu handeln, so sollen sie, so viel möglich, suchen zu verhüten, dass das eine dem andern keine verhinderung im kauff thue, sondern sollen sich beyde mit einander berathschlagen, wie sie am besten im einkauff der esclaven accordiren können, damit solchermassen der eine dem anderen im einkauff der schlaven nicht schädlich, sondern vielmehr behülfflich sey.

22. Solte es auch geschehen, dass die Brandenburgische privilegirte eine parthey esclaven auff dem lande mehr haben möchten, als sie zu cultivirung ihrer eigenen plantagen nöthig hätten, undt die Dänische Compagnie zu ihrem gebrauch undt plantagen im lande esclaven von nöhten hätten, so sollen die Brandenburgische privilegirten verpflichtet seyn, an die Dänische Compagnie jährlich einhundert schlaven, so ferne sie deren so viel bedürffen, über zu lassen, undt bezahlet die Dänische Compagnie vor jeden guten wohlgewachsenen undt gesunden esclaven, den sie solcher massen biss zur obengemeldter zahl nehmen, achtzig reichsthaler contant.

23. Es wird denen Brandenburgischen privilegirten zugelassen, ihre esclaven, nach welchem ort sie belieben, ausszuführen, ohne dass ihnen darin etwas hinderliches von der Dänischen Compagnie zugefüget werden soll, wen sie nur auff vorgehendes richtiges angeben voraussgehende dasjenige, so in dem achten articul enthalten, bezahlen.

24. Da auch die Brandenburgische privilegirten auff die gedanken kommen solten, das landt zu quitiren, undt ihre gebäude, logen, undt plantagen zu verkauffen, sollen sie sich keines weges unterstehen, das ihrige zu anderen, weder ein- noch ausländischen, directe oder indirecte zu verkauffen, sondern solches unter richtig inventarium dem gouverneur der Compagnie wegen anbieten, auff dass, nach billiger taxirung, darüber gehandelt werden könne.

25. Die freye handlung wirdt denen Brandenburgischen privilegirten einhalts obgemeldten articuls bewilliget, doch, dass sie in keinem particulieren tractat oder contract, die commercien oder das landt betreffend, mit jemand der Dänischen Compagnie zum praejudiz einlassen, vielweniger, ohne vorwissen undt zulassen obgemeldter Compagnie etwas schliessen, jedoch soll denen Brandenburgischen privilegirten zugelassen werden, contracten wegen der esclaven ausserhalb landes zu schliessen, mit dem beding jedoch, so bald solcher contract geschlossen, der Dänischen Compagnie anzubieten, ob sie gesinnet seyn möchte, in solchem contract zur hälffte oder geringern theil zu participiren, undt soll der Dänischen Compagnie nach belieben freystehen, in solchem contract auff gleiche conditiones mit einzutreten undt zu participiren.

26. Solte auch (dass Gott gnädiglich verhüte) zwischen ihrer Königlichen Mayestät undt ihrer Churfürstlichen Durchlaucht von Brandenburg einige streitigkeit oder uneinigkeit entstehen, undt es wider verhoffen zur öffentlichen ruptur aussfallen, so sollen doch umb desswillen die Brandenburgischen privilegirte in ihrem vergönneten privilegio, weder im lande, noch auff vier meilen in der see, in gesicht des landes oder insul St. Thomas, gehindert undt troubliret werden, sondern solcher handel undt fahrt beyderseits in friedlichem stande mit einander verbleiben undt in solcher sicherheit, als wen zwischen ihrer Königlichen Mayestät undt dem Churfürsten von Brandenburg nie keine ruptur gewesen.

27. Es soll auch den Brandenburgischen privilegirten leim zu graben, umb steine zu brennen, vergönnet seyn, auch ihnen zur nothdurfft brennholtz sowohl zur conservation ihrer völcker, als zum gebrauch ihrer zucker mühlen, gleichwie denen Dänischen unterthanen vom gouverneur angewiesen werden. Imgleichen soll denen Brandenburgischen privilegirten zugelassen seyn, zum gebrauch ihrer zucker mühlen pferde auss Norwegen auss dem Stawanger ambte gegen erlegung des zolles auszuführen.

28. Obwohl ihre Königliche Mayestät allergnädigst zugelassen undt gewilliget haben, dass nebst den Augspurgischen Confessions verwandten auch alle andere religionen ihr frey exercitium religionis haben mögen, so wirdt solches dennoch nicht weiter verstanden, als dass die reformirten nebst den Augspurgischen Confession verwandten ihre eigene kirchen haben mögen, die anderen religionen aber haben ihren privaten Gottes-dienst in der stille unter ihnen selbst zu exerciren, undt wirdt nicht zugelassen einige clöster oder publique häuser zu bauen oder einige ärgernüsse auff eine oder andere manier zu begehen.

29. In den privilegirten dreyssig jahren soll keine verhöhung auff auss- oder eingehende waaren keinerley weise geschehen, sondern es ohngehindert bey dem, was vorhin in oben geschriebenen articuln veraccordiret ist, verbleiben.

30. Solte auch (dass Gott verhüte) wider verhoffen einige wider das landt oder dessen dependentien etwas feindtseeliges vornehmen, so sollen die Brandenburgische privilegirte in solcher zeit der noth, gleichwie die Dänische unterthanen, allezeit geschützet werden, zu dem ende die Brandenburgische privilegirte obligirt seyn sollen, ihrer Königlichen Mayestät gouverneuren, der das ober-commando führet, gebührende gehorsam zu beweisen, umb also conjunctis viribus, als vor ein gesambtes interesse, unter des gouverneurn commando undt direction wie treue unterthanen undt einwohner, alles unheil undt was sonst unvermuthlicher weise vorfallen möchte, abzuwenden und zu verwehren. Dagegen soll der gouverneur die Brandenburgische privilegirte in ihrem handel undt wandel ungehindert lassen; undt allein dahin sehen, dass dieselbe zum besten der Compagnie sich allerdings nach diesem stipu-

lirten accord richten undt die gerechtigkeit laut aussführlicher vermeldung eines jeden articuls insonderheit erlegen.

31. Gleich nun denen Brandenburgischen privilegirten nur bewilliget wirdt, auff der insul St. Thomas, wie ihrer Königliche Mayestät unterthanen zu wohnen undt zu bauen undt ihre Königliche Mayestät sich ihrer als dero eigenen unterthanen annehmen wollen, undt sie dahero keinen anderen schutz wieder feindtlichen überfall suchen können, als dass sie ihre zuflucht nach der festung Christiansfort nehmen undt ihre beste undt nächstvorhandene mittel bey vorkommender noth darin zu führen undt zu versichern, so soll auch der gouverneur ihnen auff ansuchung solche sicherheit darin nicht weigern, sondern gleiche vorsorge vor der Brandenburgischen privilegirten güter, als vor der Dänischen unterthanen mittel undt güter tragen.

32. Die ChurBrandenburgische privilegirte verschaffen sich selbsten auff ihre eigene unkosten undt risico alle bauw-materialien undt dessgleichen, ohne dass ihre Königliche Mayestät oder die Compagnie ihnen darunter zu assistiren sollen gehalten seyn.

33. So offt als die Brandenburgische privilegirte ihre schiffe nach St. Thomas senden wollen, haben sie sich bey der Compagnie anzugeben, alsdan ihnen auff ansuchen zur selbigen reise, so bald sie des capitains undt des schiffs nahmen kundt thuen, stracks nothwendige passen vergönnet werden sollen, die pässe aber, so auff jeder schiff werden aussgegeben, sollen nicht mehr als vor eine reise gelten, sondern nach endigung der hin- undt herreise dieselbe an hiesige Dänische Compagnie wiederumb eingesandt werden.

34. Ihnen wirdt auch vergönnet die freye jagd von wildwerg auff St. Thomas, so weit ihr angewiesenes territorium sich erstrecket, fischerey aber überall ungehindert, gleichwie den Dänischen unterthanen.

35. Die Brandenburgische privilegirte sollen sich nicht unterstehen einigen handel mit jemand zu treiben, welches es in vorhergehenden articulen nicht zugelassen ist, sondern der Dänischen Compagnie selber zu handeln allein permittiret ist, vielweniger dass sie ohne zulassen undt guttfinden der Dänischen Compagnie einige capereyen anfangen undt ihre preissen dort auffbringen, oder im geringsten etwas unzulässiges vornehmen, dadurch der Dänischen Compagnie etwas praejudicirliches oder schädliches in eine oder andere manier könnte zugefüget werden. Im fall sie auch mit einer frembden nation zur see in disput seyn oder gerathen möchten, sollen sie bey zeiten suchen solche zu terminiren undt vorzukommen, damit der Compagnie darauss kein schaden noch praejudiz zuwachsen möge. Da auch die Brandenburgische privilegirte etwas der Compagnie schädliches vornehmen würden, sollen sie davor mit allem, was sie im lande besitzen, responsabel seyn. Falls aber ihrer Königlichen Mayestät landen undt insuln in West Indien undt der Compagnie estat daselbsten dahero etwas feindliches würde begegnen oder zugezogen werden, alsdan wollen ihre Churfürstliche Durchlaucht von Brandenburg, in deren hohen regard ihren unterthanen solches privilegium vergönnet wirdt, der Compagnien allen daraus erwachsenden schaden, zu volligen satisfaction, erstatten.

36. Ist auch beyderseits beliebet worden, dass wann ein Dänisch nach West Indien gedestinirtes schiff in Coppenhagen, oder ein Brandenburgisches privilegirtes schiff in Embden, oder sonstwo, in der ladung liegt, undt es sich also zutragen möchte, dass noch raum im schiff übrig währe, ohne dessen ladung dadurch zu beschweren undt zu hindern, soll es dem einen oder dem anderen theil, von dem es begehret wird, zugelassen seyn, mit einzuschiffen, jedoch gegen bezahlung der fracht, von jeder last à 12 tonnen berechnet, zwölff reichsthaler, undt von anderen waaren à l'advenant, undt können auch auff solchen fall leute vor billige bezahlung mit übergeführet werden.

37. Dieser vorgeschriebener accord ist von uns als der Königlichen Dänischen West Indischen Compagnie directeurn wegen itztgedachter Compagnie auff der einen undt von mir ihrer Churfürstlichen Durchlaucht zu Brandenburg rath undt general directeurn auff der andern seite, bis auff beyderseits Königliche undt Churfürstliche ratification, also beliebet, verabredet, geschlossen, undt unterschrieben worden. So geschehen in Copenhagen den vierundtzwantzigsten Novembris anno 1685.

A. Güldensparre. B. Raulé.
A. Wüst.

Dass wir solchen vergleich undt recess in aller seinen clausulen undt articuln gnädigst ratificiret undt genehm gehalten haben, thuen das auch undt ratificiren denselben hiemit undt krafft dieses, bester undt beständigster massen, undt versprechen bey unserm Churfürstlichen wort undt glauben, dass wir allem dem in obinserirten vergleich in unserem nahmen undt unserwegen promittiret undt zugefüget worden, je undt allerwege geträulich nachkommen undt dawider nie einiger gestalt thuen oder handeln wollen. Urkundlich unter unserer eigenhändigen unterschrifft undt auffgedruckten insiegel. Potsdam, den 19ten Decembris 1685.

Friederich Wilhelm, Churfürst.

Translation.

We, Frederick William, by the grace of God margrave of Brandenburg, arch-chamberlain and elector of the Holy Roman Empire, duke in Prussia and of Magdeburg, Jülich, Cleve, Berg, Stettin, Pomerania, of the Cassubians and the Wends, and of Crossen and Jägerndorff in Silesia, margrave of Nuremberg, prince in Halberstadt, Minden, and Cammin, count of Hohenzollern, the Mark, and Ravensberg, lord of Ravenstein and of the lands of Lauenburg and Bütow, declare and proclaim as follows:

Whereas between the directors of his Royal Majesty of Denmarks West India Company on the one hand, and on the other hand our councillor and general director of marine, Benjamin Raulé, recently commissioned for that purpose to the above said Royal Majesty, by virtue of the special full powers and commands received from both principals a certain treaty and accord respecting navigation and trade to the island of St. Thomas has been noted in writing and signed and concluded by the councillors and commissioners on both sides at Copenhagen on the twenty-fourth of the month of November last past, which treaty, word for word, is as follows:

The directors of the Royal Danish West Indian and Guinea Chartered Company, commissioned by his Royal Majesty of Denmark and Norway, make known by these presents that whereas his Electoral Serenity of Brandenburg has commissioned Monsieur Raulé, his councillor and general director, to come hither to seek permission for Brandenburg subjects, up to a certain number, to dwell and build on the island of St. Thomas, like others, subjects of his Royal Majesty, and also to negotiate with the Royal Company regarding free trade to the West Indies; and [whereas] his Royal Majesty, our most gracious king and lord, desires that his Electoral Highness may be satisfied, so far as possible, with respect to what is proposed and desired by his general director, Monsieur Raulé, and for that purpose has most graciously commanded us to enter into closer negotiations on his behalf with the aforementioned general director of the Elector of Brandenburg, we in most humble obedience have agreed with the same upon the following articles, saving his aforesaid Royal Majesty's most gracious approval.

1. His Royal Majesty shall always retain, as over all his other dominions and lands, the unalterable sovereignty, absolute *dominium,* and high and low justice over the islands of St. Thomas, St. John, and all the other neighboring and appertaining islands in West Virgin where the Company is in actual possession, or may, heretofore, have exercised any possessory act. Moreover, this contract shall not in any way prejudice the charter and constitution most graciously conferred upon the worshipful Danish Company by his aforesaid Royal Majesty. On that account the Brandenburg concessionaries may be sufficiently assured of his Royal Majesty's making every possible provision both for the fortresses and their defense and maintenance on the aforesaid islands, no less than for his other kingdoms and lands, and for the preservation of the Brandenburg concessionaries, so long as they undertake nothing offensive to his Royal Majesty and the Company, but submissively and obediently conform to all the following points.

2. Those subjects of his Electoral Serenity of Brandenburg, who have a mind to proceed to the island of St. Thomas, shall be assigned as much waste, uncultivated, and contiguous land as they shall be able to cultivate conveniently with 200 slaves, and whatever trees are found on this assigned land shall be at their full disposal. But if upon their arrival there is any land on which the trees have already been cut and felled, but which has not been taken possession of, either by the Company or others, this land shall then be given and assigned to them, and they shall possess it heritably like subjects of his Royal Majesty.

3. The Brandenburg concessionaries shall be permitted to carry on their trade like the Danish Company, for thirty consecutive years, reckoning from the time when the first ship is sent there with people and materials; and in case they desire free trade there longer, they shall be required, towards the end of the term of years allowed them, to apply for further confirmation.

4. The Brandenburg concessionaries shall make all their ladings and unladings in the ordinary harbors, and regular places for discharging and lading, at the citadel of Christiansfort, or where the commandant at Christiansfort may think best, in order to facilitate the collection of duties, and they shall duly and without fraud declare their goods, incoming and outgoing.

5. For the greater benefit of the Brandenburg concessionaries, the land assigned them for their plantations, which they cause to be cultivated by their own slaves and improved for the first time, together with the land required for their own use and support, shall during the first three years (reckoning from the time of arrival of the first ship with building materials and any other necessities), be free from all land taxes and special licenses; but from all the merchandize, negroes, and slaves brought in by them in their own ships, to sell there or to re-export, only one-half of one per cent. for imports, and one per cent. for exports, shall be paid in kind to the Danish West India Company in the said first three years; but they shall declare everything correctly.

6. After the expiration of the said three years the Brandenburg concessionaries shall be obliged to pay the Company annually as land tax from the land assigned them, five pounds of tobacco or its value, from [each] hundred feet of land, ten feet long and ten feet wide, and as often as there is any change of possession, either because a piece of land is leased or sold to others, or because a death occurs, they shall give the Company anew, as recognition, two per cent. of the value of the land, as the same may be assessed by impartial persons.

7. They shall, at the place appointed by the Company, declare correctly all wares without distinction, which they ship out of the country. Five per cent. of the value of these exported wares shall be paid to the Danish Company in kind, but minted and unminted silver or gold are not to be understood as included hereunder; yet if it should be found hereafter that on the islands belonging to other nations it is the custom to pay some minted or unminted gold and silver, then the Brandenburg concessionaries shall likewise be bound to pay the Company such dues.

8. Of all slaves, without distinction, brought into the country by the Brandenburg concessionaries, one per cent. shall be paid to the Company in kind; and of those sold by them out of the country, or carried out, two per cent. shall be paid in kind.

9. Every male over sixteen years of age, without distinction, found in the country, shall pay the Company one hundred pounds of sugar yearly, and females of the same age fifty pounds of sugar, or its value at the current price; but those born within the country shall be free until they are twenty years old.

10. All their wares, carried in or out, and sold within the country, shall be weighed on the Company's scales, and for every 100 pounds of goods, without distinction, a pound of sugar, or its value, shall be paid to the Royal Danish Company.

11. But since some of the Brandenburg concessionaries might not wish to dwell longer in the country, but might wish to leave it, and take away their property, they shall, in such case, be under obligation to pay the Company five per cent. of the value of their withdrawn property.

12. All merchandize, as well as commodities connected with eating and drinking, including wine and brandy, and also linens and woollens and other manufactures, made in Denmark and Norway, without exception, brought to St. Thomas by these Brandenburg concessionaries in their ships, and proven not to have been purchased or manufactured in any other place, shall, upon a previous exact declaration, be free from all import licenses; but of all other wares, not fully proven to have been bought or manufactured in Denmark or Norway as aforesaid and yet brought to St. Thomas, three per cent. in kind shall be paid, without distinction, to the Company for import licenses.

13. All minerals, saltpetre, cacao (*caccoum*), lignum vitae, and other of the more valuable woods shall be reserved for export to the Danish Company alone, but the wood found in the territory assigned to the Brandenburg concessionaries is not included hereunder. The said Danish Company shall also have sole permission to bring to St. Thomas masts and all kinds of building wood, iron, pitch, and tar, and to trade in them.

14. With respect to the administration of justice, the following agreement has been reached: that in the lawsuits that may arise among themselves through various contingencies, the Brandenburg concessionaries shall be permitted to have their own law to this extent, and to judge and pronounce sentence themselves in such matters.

15. But if a quarrel or dispute shall in any way arise between the subjects of his Royal Majesty and the servants of the Danish Company, and these Brandenburg concessionaries, then in order to avoid, if possible, protracted processes, very injurious to traffic and trade, the disputants shall present their memorials regarding the case to the Danish governor, who shall select two honorable and impartial persons of the Danish side, and the director of commerce of the Brandenburg concessionaries shall likewise choose two men of their side, to whom for this purpose a written commission shall be given, to

summon before them duly both parties with their evidence, and to give judgment within six weeks upon the evidence presented, according to law, and without respect of persons. And in case the four persons appointed on such a commission shall not be able to agree, these four persons shall be permitted to name a fifth person, and then, in accordance with the majority of votes, to pronounce a suitable and legal judgment within the aforesaid period of time.

16. Since there are often lawsuits of such intricacy that they cannot possibly be finished within six weeks, or since the parties themselves may even wish to prolong the case, or the commissioners themselves might be at fault, the interested parties, if they cannot bring these matters to a conclusion in the appointed time, shall present a written memorial to the governor of St. Thomas, stating therein the circumstances of the case, and publishing and making known the cause of the delay and the length of time they consider still necessary for the completion of the suit. The desired extension of time shall then be granted them. But if they should, nevertheless, delay the matter longer, they shall be punished, as persons who wilfully retard justice, and besides that, according to their circumstances, they shall give something to the poor.

17. In all lawsuits touching honor and life as well as in actions for recovery of debts, when the amount involved exceeds five hundred rixdollars, appeal shall be allowed, provided that the appellant makes application within six weeks after the giving of judgment, and in such case the governor at Christiansfort is alone to issue the citation, and judgment is to be dispensed by him and those associated with him in the administration of justice, and the director of commerce of the Brandenburg concessionaries, together with one of the concessionaries, is to be brought into the case for that purpose, and sentence definitively pronounced. But should one of the contending parties believe himself wronged by such a decision, he shall be permitted to appeal further to the directors of the Company here in Copenhagen, conformably to the royal charter.

18. The Brandenburg concessionaries who wish to dwell in the island of St. Thomas shall be permitted, like the Danish Company, to trade freely with all nations where the Danes have free trade, provided they pay the Danish Company fully, as aforesaid, from all imports and exports, the amount already specified in this regard, or to be specified in the following articles.

19. The Danish Chartered West India Company and the Brandenburg concessionaries shall alone be at liberty to bring slaves to St. Thomas, in order to sell them there, or to export them, but this shall be forbidden to all others. The contracts regarding slaves, however, already concluded by the Company here, shall remain in their full force but without further development.

20. If it should happen that foreigners and non-privileged persons should come with slaves to the coast for the purpose of selling them there, none of the inhabitants of the land shall be free to buy such slaves, but this privilege rests only with the governor at Christiansfort, and with the director of commerce of the Brandenburg concessionaries, who may reserve equal shares; and they shall pay for full-grown, active and healthy slaves, not more than sixty rixdollars, but may, of course, buy them at a lower rate.

21. If it should happen, also, that two ships, one Danish and the other Brandenburg, should come at the same time, or one after the other to the Slave Coast to trade, they shall, as far as possible, seek to prevent the one from hindering the other in buying, but they shall both advise with each other how they can best effect the purchase of the slaves so as not to harm each other in buying them, but rather to be mutually helpful.

22. Should it happen that the Brandenburg concessionaries should have a larger number of slaves on the land than they should need for the cultivation of their own plantations, and that the Danish Company should need slaves for their use and for their plantations in the country, the Brandenburg concessionaries shall be in duty bound to make over to the Danish Company one hundred slaves, yearly, in case they need so many, and the Danish Company shall pay for every good, full-grown, and healthy slave taken by them up to the number aforementioned, eighty rixdollars in cash.

23. The Brandenburg concessionaries shall be permitted to export their slaves to whatever place they please, without any obstacle being offered to them by the Danish Company in that regard, provided that upon a previous correct declaration they pay before exporting what is stipulated in the eighth article.

24. Should the Brandenburg concessionaries decide to leave the land and to sell their buildings, lodges, and plantations, they shall by no means presume to sell their possessions to others, either natives or foreigners, directly or indirectly, but shall offer them, with a correct inventory, to the governor on behalf of the Company so that, after a fair appraisement, negotiations may be entered upon.

25. Free trade is conceded to the Brandenburg concessionaries, according to the tenor of the aforesaid articles, but they are not to enter into any separate treaty or contract with anyone concerning commerce or the land to the prejudice of the Danish Company, much less to conclude anything without the previous knowledge and permission of the aforesaid Company. Nevertheless, the Brandenburg concessionaries shall be allowed to conclude contracts in regard to slaves outside the country, but on condition that as soon as such contract is concluded, the Danish Company be given the option of participating in such contract to the extent of a half or a smaller share; and the Danish Company shall be free to enter into and participate in such contract on equal terms, if they please.

26. Should any dispute or difference arise between his Royal Majesty and his Electoral Serenity of Brandenburg (which God mercifully forbid!), and should it develop, contrary to hope, into an open rupture, the Brandenburg concessionaries shall not be hindered or disturbed on this account in the privileges granted them, either on land, or four miles out to sea, in sight of the country or island of St. Thomas, but this trade and navigation is to be left in a peaceful state by both sides, mutually, and is to remain in the same security as if there had never been any rupture between his Royal Majesty and the Elector of Brandenburg.

27. The Brandenburg concessionaries shall be permitted to dig limestone for burning, and firewood will be assigned them by the governor according to their need, just as to Danish subjects, as well for the preservation of their people, as for use in their sugar-mills. The Brandenburg concessionaries shall likewise be allowed to export horses from Norway, from the district of Stavanger, upon payment of the duty, for use in their sugar-mills.

28. Although his Royal Majesty has most graciously permitted and consented that besides the adherents of the Augsburg confession, all other faiths may also have free exercise of their religion, yet nothing more is to be understood from this than that the Reformed (Calvinists) may have their own churches along with the adherents of the Augsburg confession, but the other religions must hold their divine service privately and quietly among themselves, and shall not be permitted to build any convents or public edifices, or commit any scandal in any way whatsoever.

29. During the thirty years of the concession, the charges upon exports and imports shall in no wise be raised, but the agreement about them previously made in the above-written articles shall stand.

30. Should any persons, contrary to hope, undertake any hostilities against the land and its dependencies (which God forbid!), the Brandenburg concessionaries shall always be protected in such time of need, just like the Danish subjects. For that purpose, the Brandenburg concessionaries shall be obliged to render due obedience to his Royal Majesty's governor, who holds the chief command, in order that thus, as loyal subjects and inhabitants, under the command and direction of the governor, they may, with united forces, as in the presence of a common interest, guard against and avert all disaster and emergencies. On the other hand, the governor shall leave the Brandenburg concessionaries undisturbed in their trade and commerce, and only take care that they act for the best interests of the Company, and in complete accord with this stipulated agreement, and in particular pay the imposts as more fully set forth in each of the articles.

31. Since the Brandenburg concessionaries are only permitted at present to dwell and build on the island of St. Thomas, like subjects of his Royal Majesty, and since his Royal Majesty will take care of them as of his own subjects, and, for that reason, they can seek no other protection against hostile inroads than to take refuge in the fortress of Christiansfort, and, upon impending danger, to take thither for safety their most valuable and handiest possessions, therefore the governor on his part shall not refuse them, if they ask for such security therein, but shall take the same precaution for the goods of the Brandenburg concessionaries as for the property and goods of the Danish subjects.

32. The Brandenburg concessionaries shall supply themselves at their own cost and risk with all building materials and the like, without his Royal Majesty or the Company being bound to help them therein.

33. Whenever the Brandenburg concessionaries wish to send their ships to St. Thomas, they must notify the Company, and thereupon, as soon as they make known the name of the captain and the ship, they shall be granted at once, upon request, the necessary passes for these voyages; but the passes issued for each ship shall not be valid for more than a single voyage, but after the termination of the voyage to and fro, they shall be sent back again to the Danish Company of this place.

34. They shall be permitted to hunt game freely on St. Thomas, within the limits of the territory assigned them, and to fish everywhere, unhindered, just like the Danish subjects.

35. The Brandenburg concessionaries shall not venture to carry on any trade with anyone, which is not conceded in the foregoing articles, the privilege of free trade being reserved to the Danish Company alone. Much less [shall the Brandenburg concessionaries dare,] without the permission and approval of the Danish Company, to begin any privateering and to bring in their prizes there, or in the least to undertake anything inadmissible, whereby any prejudice or damage could in any way fall upon the Danish Company. In case they may be, or may come to be, in dispute with any foreign nation at sea, they shall promptly seek to end and prevent it, so that no harm or prejudice may arise to the Company therefrom. Moreover, should the Brandenburg concessionaries undertake anything harmful to the Company, they shall be responsible for it with all they possess in the country. But in case his Royal Majesty's countries and islands in the West Indies, and the

Company's estate there, should meet with or incur any harm on that account, then his Electoral Serenity of Brandenburg (as a mark of high regard to whom, this privilege has been granted to his subjects) shall reimburse the Company in full satisfaction for all the damages arising therefrom.

36. Both sides are agreed that when a Danish ship, destined for the West Indies, is loading in Copenhagen, or a ship of the Brandenburg concessionaries is loading in Emden [17] or elsewhere, and it happens that there is room left over in the ship, either party so desiring, and without thereby inconveniencing and hindering the loading, shall also be permitted to ship [goods], on payment of the freight (twelve rixdollars for every last reckoned at twelve tons, and for other wares in proportion). In such circumstances, persons also can be transported for a reasonable payment.

37. This above-written accord is desired, agreed upon, concluded, and subscribed by us, as directors of the Royal Danish West India Company, on behalf of the said Company, on the one part, and by me, councillor and general director of his Electoral Serenity of Brandenburg on the other part, saving on both sides the royal and electoral ratification. Done at Copenhagen, on the twenty-fourth of November 24, in the year 1685.

A. Güldensparre. B. Raulé.
A. Wüst.

We have ratified this treaty and agreement in all its clauses and articles and hold it approved, and we do hereby ratify the same, and by virtue of these presents in the best and most permanent manner promise by our electoral word and faith that we will in every way surely fulfill everything that in our name and on our behalf has been promised and set down in the above inserted treaty, and we will never in any way do or transact anything against it. Given under our own signature and seal. Potsdam, December 19, 1685.

Frederick William, elector.

[17] The principal headquarters of the Brandenburg-African Company had been established at Emden, partly on account of its good harbor, and other advantages of location. Schück, *op. cit.*, I. 169 ff.

79.

Treaty of neutrality in America between Great Britain and France, concluded at Whitehall, November 6/16, 1686. Ratification by France, November 29, 1686. [Ratification by Great Britain, November 30/December 10, 1686.]

Introduction.

For several months after his accession to the English throne in February, 1685, James II. pursued a vacillating foreign policy.[1] While his Catholic and absolutist principles disposed him to a close union with France, yet, on August 27, 1685, he concluded a treaty with the United Provinces which renewed the defensive alliance of March, 1678, and other earlier treaties.[2] His attitude toward the Dutch, in the latter part of 1685, alarmed Louis XIV., who suspected the intention of the Prince of Orange to form a coalition against France with England as its keystone, and knew that his own persecution of the Huguenots, culminating, in November, 1685, in the revocation of the edict of Nantes, must alienate still further the mass of the English people.

Besides religious and political differences, conflicting commercial and colonial interests tended to bring France and Great Britain into opposition, if not into war. In the few years immediately preceding the accession of James II., there were many points of friction between the two nations in North America. Opposing claims were put forward and some clashes occurred. In Canada the French found that the English were attempting to block the expansion of their fur trade on the north and south. To prevent this, in 1682-1683 a small body of Frenchmen attacked and plundered the establishments of the Hudson's Bay Company on the Nelson River. Soon after, the French

[1] For James II.'s foreign policy during 1685, see the correspondence between Louis XIV. and Barillon in the appendix to Charles James Fox, *A History of the Early Part of the Reign of James the Second* (1808), or in *A Translation of the French Letters in the Appendix to Mr. Fox's History of the Early Part of the Reign of James the Second* (1808), pp. 14 ff.; J. A. de Mesmes, *Négociations de M. le Comte d'Avaux en Hollande* (1752-1753), tomes V. and VI., *passim*; *The Negotiations of Count d'Avaux, Ambassador from His Most Christian Majesty to the States General of the United Provinces* (1754, 1755), III., IV., *passim*; Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (ed. 1771-1788), II. 102 ff.; (ed. 1790), II. 1 ff., 32 ff., 102 ff.; F. A. J. Mazure, *Histoire de la Révolution de 1688 en Angleterre* (1825), I. 393, 395-435, II. 33-43; O. Klopp, *Der Fall des Hauses Stuart*, III., bk. VIII., *passim*.

[2] The treaty of Aug. 17/27, 1685, is printed in J. Dumont, *Corps Diplomatique*, tom. VII., pt. II., pp. 110, 111. For the treaty of March, 1678, see above, Doc. **71**, note 7. The other instruments confirmed at this time were the treaties of peace and commerce concluded at Breda on July 21/31, 1667 (see above, Doc. **58**), the treaty of Westminster, of February 9/19, 1673/4 (see above, Doc. **69**), and the marine and East India treaties of the same year. Despite the appeals of the Spanish ambassador, Ronquillo, James II. would not renew the treaty of 1680 (Doc. **74**).

posts in that region were pillaged by the English.[3] In New York, Governor Dongan offended the French by protecting and aiding the Iroquois and extending his government over their country, to which the French had claims.[4] Deeming that his jurisdiction over Pemaquid extended as far as the St. Croix, Dongan warned the French dwelling between the Kennebec and the St. Croix rivers to withdraw or swear allegiance to the King of England.[5] In a region undisputedly Acadian, a fishing company recently established under a French charter accused New Englanders of illegal fishing and trading, and charged them also with piracy and pillage on the Acadian coasts and waters. In retaliation for these acts the head of the company had recently seized and sent to France eight New England vessels, and had petitioned Louis XIV. for a man-of-war to drive such craft from the coast.[6] An English captain reporting to his government concerning Newfoundland, in 1683, pointed out the danger of French encroachment there and recommended fortifications.[7] In the Caribbee Islands, relations between French and English had grown worse after the failure of their home governments to ratify the treaty of 1678.[8] The English complained that the French instigated the Caribs against them, and supplied the Caribs with arms and ammunition.[9] In St. Christopher, the two nations continued to quarrel over the execution of the treaty of Breda, and over the transport of goods along each other's highways.[10]

In the face of so much ill-feeling between the two nationalities, Louis XIV. and James II. sought to provide against a war in the New World, which would be costly in itself and ruinous to their commerce and colonies. The King of France, whose schemes for the Spanish succession required peace with England, guardedly took the initiative in reviving the negotiations for a treaty of neutrality in America. Sir William Stapleton, governor of the Leeward Islands, and promoter of the treaty of 1678,[11] having promised to try to win the consent of the King of England to a treaty comprising the Leeward Islands, Jamaica, Barbados, and even New England, the French ambassador in London, Paul Barillon d'Amoncourt, marquis de Branges, was instructed to hint to Stapleton that the King of France might

[3] Accounts of Anglo-French rivalry in the Hudson Bay region at this period are in G. Bryce, *The Remarkable History of the Hudson's Bay Company* (1900), chs. V., VI.; Beckles Willson, *The Great Company*, chs. X., XII.

[4] J. R. Brodhead, *Docs. Col. Hist. N. Y.*, IX, 265, *et passim*; *id., Hist. St. N. Y.*, II. 394 ff.; H. Lorin, *Le Comte de Frontenac* (1895), pp. 287 ff.

[5] J. R. Brodhead, *Docs. Col. Hist. N. Y.*, IX. 263, 265, 266; *id., Hist. St. N. Y.*, II. 379, 393, 394.

[6] James Hannay, *The History of Acadia from its First Discovery to its Surrender to England by the Treaty of Paris* (1880), pp 216-220.

[7] *Cal. St. Pap. Col.*, 1681-1685 (1898), no. 939, p. 384.

[8] C. S. S. Higham, *The Development of the Leeward Islands under the Restoration* (1921), pp. 118-120, *et passim*. For the treaty of 1678, see above, Doc. **72.**

[9] *Cal. St. Pap. Col.*, 1681-1685 (1899), no. 1126, pp. 447, 448. For an account of the Caribs in relation to the English and French during the period of the Restoration, see Higham, *op. cit.*, ch. 6.

[10] *Cal. St. Pap. Col.*, 1681-1685, no. 866, pp. 360, 361; Higham, *op cit.*, pp. 119, 120.

[11] Doc. **72.**

agree to such a proposal, if the King of England made it.[12] On December 14, 1685, Stapleton petitioned the Lords of Trade and Plantations to consider (*inter alia*) the treaty of neutrality; illness prevented him from carrying the matter further.[13] About the same time, Louis XIV. sent as envoy to the English court François d'Usson, marquis de Bonrepaus, a man well versed in commercial and colonial affairs, with which Barillon had neither the capacity nor the knowledge to deal.[14] Bonrepaus was instructed to try to persuade the refugee Huguenots to return to France, and to investigate carefully England's navy, her imports into France, fisheries, commercial companies, colonial trade, the advantages or disadvantages of adopting a navigation act for France, and of preventing the import of fish from the English Newfoundland fisheries. He was to inform Barillon that the king would send two vessels to drive the New England fishermen from the Acadian coast, and pirates from the coasts of Newfoundland. He must try to discover the sentiment of the English in regard to their establishment in St. Christopher, and whether they would regard it as advantageous for their colonies to have a treaty of neutrality with the French in that island.[15] Apparently the French proposal of neutrality was to be limited to St. Christopher so that the wider proposal might come from England.

Assuming the attitude of a complainant rather than of a petitioner, Bonrepaus at once brought up the affairs of Acadia and Hudson Bay.[16] With regard to the former he suggested that if James II. would renew his orders to the governors of New England for the exact execution of the treaties of Breda[17] and Boston[18] Louis XIV. would give similar instructions to his commandants in Canada.[19] With this suggestion James was disposed to comply, but for form's sake, wrote Bonrepaus, he wished to refer the matter to the interested merchants.[20] The French envoy soon learned that James II. desired a general treaty of neutrality for North America, and Seignelay empowered Barillon to treat on this basis.[21] To spare Barillon's self-esteem, Bonrepaus, though guiding the negotiations, was not given full powers. Formal conferences with the English commissioners, of whom Rochester and Sunderland were the most actively interested, began on the first of

[12] *Collections de Manuscrits relatifs à la Nouvelle-France* (1883-1885), I. 343.

[13] *Cal. St. Pap. Col.*, 1685-1688 (1899), no. 497, p. 127.

[14] For estimates of Bonrepaus, see T. B. Macaulay, *The History of England from the Accession of James II.* (1858), I. 300, II. 51, 52, and Durand, "Louis XIV. et Jacques II.", in *Revue d'Histoire Moderne et Contemporaine*, X. 30.

[15] A transcript of the instructions of Dec. 20, 1685, is in P. R. O., Paris Transcripts, bundle 162.

[16] Bonrepaus to Seignelay, Jan. 7 and 17, 1686. P. R. O., Paris Transcripts, bundle 163; *Cal. St. Pap. Col.*, 1685-1688, nos. 544, 545, pp. 141, 142.

[17] This treaty is printed above, Doc. **58.**

[18] Printed above, Doc. **64.**

[19] Bonrepaus to Seignelay, Feb. 4, 1686, P. R. O., Paris Transcripts, bundle 164.

[20] Same to same, Jan. 17, 1686, *ibid.*, bundle 163.

[21] Durand, "Louis XIV. et Jacques II.", in *Revue d'Histoire Moderne et Contemporaine*, X. 41.

March.[22] Besides providing for neutrality, the French were bent on prohibiting English vessels from trading or fishing in the harbors or on the coasts of French America, under penalty of confiscation of boats and merchandise; on restraining English governors from aiding savages with whom the French were at war; on equalizing the rights of the French and English to the fur trade in the region of the Nelson River; on preventing the English from taking commissions from powers hostile to France to carry on privateering in American waters; on securing the observance of the treaties of Breda and Boston, the right of the French to fish for turtles at the Cayman Islands, and the exchange of the English part of St. Christopher for St. Croix or other French territory; and on the checking of piracy.

The English, on the other hand, claimed satisfaction for the confiscation of their vessels by the Acadian fishing company, and for their losses at St. Christopher and Port Nelson. They desired access to the salt ponds on St. Christopher by land and sea; liberty for English vessels to secure water and wood on the coasts of French America, and friendly treatment for English ships forced by urgent necessity to seek shelter there. They desired provision against privateering by French armateurs, unless security were given as in Europe; against the French receiving Indians or slaves, or goods taken from the English by the Indians; and against any injury to the Hudson's Bay Company by the French.[23]

Bonrepaus complained of the slowness of the negotiations, attributing it to the English ministers' fear of offending Parliament, which was opposed to a treaty with France, and to their desire to investigate the details of the trade and to satisfy the trading companies.[24] An agreement on nearly all points had been reached, however, when the envoy left England on the first day of May.[25] After his departure some new obstacles arose. The

[22] On Feb. 21, 1686, Bonrepaus wrote to Seignelay: "Ces conferences se tiendront dans le mesme lieu ou le Roy d'Angleterre se tient son conseil, sa chaise y est toujours." P. R. O., Paris Transcripts, bundle 164. Since Bonrepaus lacked full powers, objections were made to his presence at the conferences. He wrote Seignelay on Mar. 4: "Milord Sunderland nous dit pour raison en propres termes que le Roy son maistre estoit fort pointilleux et qu'ayant nommé pour commissaires dans cette affaire les cinq principaux ministres de son conseil et les plus experimentez dans les affaires de commerce, il estoit estonné que le Roy n'en eust point voulu nommer deux." *Ibid.*, bundle 165.

[23] Bonrepaus to Seignelay, Mar. 4, 1686, P. R. O., Paris Transcripts, bundle 165; same to same, Apr. 4, 1686, *ibid.*, bundle 165; English *projet* of treaty, with comments of French, joined to Bonrepaus's letter of Apr. 8, 1686, *ibid.* This is almost the same as that printed in *Collection de Manuscrits relatifs à la Nouvelle-France*, I. 355-362. With this is printed an early French *projet, ibid.*, pp. 352-355. See also Durand, *op. cit.*, pp. 41-43.

[24] Bonrepaus to Seignelay, Mar. 4 and 18, 1686, P. R. O., Paris Transcripts, bundle 165. On Jan. 10, 1686, Bonrepaus wrote to Seignelay that, owing to the prorogation of Parliament and the King of England's desire to attach himself more and more to France, it would be very easy to make a good treaty of commerce and another of neutrality provided that it were done promptly and so secretly that the Parliamentarians could not discover it. Paris Transcripts, bundle 163.

[25] Bonrepaus to Seignelay, May 5, 1686, P. R. O., Paris Transcripts, bundle 166. During Bonrepaus's residence in London he had procured copies of all the letters patent granted by the English kings to their subjects in America "par ou l'on voit les limites qui y sont données, ce qui servira de titre pour les faire contenir dans leurs limites". He also secured copies of commissions and instructions given to the gov-

Spanish ambassador, wrote Barillon, tried to excite the jealousy of the English in regard to La Salle's voyage to the Gulf of Mexico, and although King James was not disturbed, it would seem that the merchants were.[26] On November 6, 1686, Seignelay notified Barillon that a French expedition from Canada had seized three English forts at Hudson Bay; and since the news had not reached London, he urged the ambassador to hasten the conclusion of the negotiations.[27] The treaty was signed on November 6/16, and promptly ratified by both kings. Thereupon the British government in December and the French government in the following February ordered its publication in the colonies.[28]

The treaty left untouched the Hudson Bay dispute and other controversial matters. In the spring of 1687 commissioners were appointed to try to put an end to all the differences existing between the two nationalities in respect to their American territories.[29]

Bibliography.

Text: MS. The text of the French ratification is in the P. R. O., St. Pap. For., Treaties, no. 65. The text of the English ratification is in the bureau of the archives of the Ministry of Foreign Affairs in Paris.

Text: Printed. F. Léonard, *Recueil des Traitez de Paix* (1693), V.; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. II., pp. 141-143; *Mémoires des Commissaires de sa Majesté Très-Chrétienne* (Amsterdam, 1755), II. 76-87, 217-226; *Collection de Manuscrits Historiques relatifs à la Nouvelle-France* (ed. J. Blanchet under auspices of the Legislature of Quebec, 1883-1885).

Translation: *A General Collection of Treatys* (1732), I. 246-252.

References: Contemporary and early writings. *Collection de Manuscrits relatifs à la Nouvelle-France,* I. 343, 352-362, *et passim*; *Cal. St. Pap. Col.,* 1685-1688, nos. 497, 521, 1001, 1062, 1074, 1123, 1441, 1445, 1480, 1571, 1600, 1642, 1681; *Docs. Col. Hist. N. Y.* (1853-1883), III. 388, 389, 465-475, 487, 490, 491, 503-532, 547, IV. 169, 478, V. 620, IX. 370; *Memorials of the English and French Commissaries concerning the Limits of Nova Scotia or Acadia* (1755), pp. 28 ff., 123, 149 ff., 170, 414 ff., 527, 529, 614-616; *The Memorials of the English and French Commissaries concerning St. Lucia* (1755), pp. 29-31, 133-143, 377-402, 504 ff.; F. X. de Charlevoix, *History and General Description of New France* (ed. J. G. Shea, 1866-1872), III. 273 ff.; Sir James Mackintosh, *History of the Revolution in England in 1688* (1834), app. 1, Letter of D. Pedro Ronquillo, Aug. 12, 1686, pp. 677-679. See also bibliography of Doc. **80.**

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ernors of these colonies, and "les statuts pour connoistre la manière dont les peuples y sont gouvernez et les loix de leurs commerces; les cartes pour naviguer en ce pays la ou sont marquées les sondes de tous les ports, rades et mouillages; les mesmes choses pour tout ce qui regarde les compagnies de commerce d'Angleterre qui sont au nombre de sept, . . . tous les traittez de marine et de commerce qui les Roys d'Angleterre ont fait depuis cent ans avec les Princes et Estats de l'Europe et des Indes, que j'ay fait traduire en françois; les livres touchant la marine et le commerce, et tout ce qui concerne la justice et la police sur ce fait la". *Ibid.*

[26] Barillon to Louis XIV., July 11, and July 15, 1686, Paris Transcripts, bundle 166. For a further account of La Salle's enterprise see above, Doc. **77.**

[27] Durand, *op. cit.,* p. 43.

[28] *Cal. St. Pap. Col.,* 1685-1688, no. 1062, p. 302; Brodhead, *Docs. Col. Hist. N. Y.,* III. 388, IX. 330.

[29] See below, Doc. **80.**

References: Later writings. R. Durand, "Louis XIV. et Jacques II. à la Veille de la Révolution de 1688: les Trois Missions de Bonrepaus en Angleterre", in *Revue d'Histoire Moderne et Contemporaine,* X. (1908) 28-44; F.-X. Garneau, *Histoire du Canada* (fifth ed., 1913, 1920), I. 317-328, 408-413; H. Lorin, *Le Comte de Frontenac: Étude sur le Canada Française à la Fin du XVII e Siècle* (1895), pp. 299-321, F. Parkman, *Count Frontenac and New France under Louis XIV* (1901), ch. 7; J. R. Brodhead, *Hist. St. N. Y.* (1853, 1871), II. 440 ff., 466 ff., 474, 475; J. Winsor, *Narrative and Critical History* (1886-1889), IV. 344-346; O. Klopp, *Der Fall des Hauses Stuart* (1875-1888), III. 233 ff., 266 ff.

TEXT.[30]

Louis, par la grace de Dieu roy de France et de Navarre, a tous ceux qui ces presentes lettres verront, Salut. Ayant veu et examiné le traité de neutralité en l'Amerique signé à Londres le seize de ce mois en nostre nom par le Sieur Barillon Damoncourt, marquis de Branges, conseiller ordinaire en nostre conseil d'estat et nostre ambassadeur extraordinaire prez nostre tres cher et tres amé bon frere le Roy de la Grande Bretagne, en vertu du pleinpouvoir que nous lui en avoient donné, et en celuy de nostre dit frere par les Sieurs Baron Jeffreys de Wem, grand chancelier d'Angleterre, Comte de Rochester, grand tresorier d'Angleterre, Comte de Sunderland, president du conseil privé et un des principaux secretaires d'estat, Comte de Middelton, autre principal secretaire d'estat, et Sidney Godolphin, tous conseillers secrets dudit Roy de la Grande Bretagne, pareillement munis de pleins pouvoirs de sa part, ledit traité de neutralité dont la teneur ensuit:

Cum Serenissimo et Potentissimo principi Ludovico 14°, Galliarum et Navarrae regi Christianissimo, et Serenissimo ac Potentissimo principi Jacobo Secundo, Magnae Britanniae regi, nihil magis cordi sit quam mutuam inter ipsos amicitiam, ac inter ipsorum regna, dominia, subditosque sinceram concordiam ac correspondentiam magis magisque in dies stabilire; cumque eum in finem ipsis visum sit tractatum pacis, bonae correspondentiae, et neutralitatis in America inire, quo omnibus quantum fieri possit praeveniatur controversiis et differentiis quae inter subditos utriusque coronae in remotioribus partibus exoriri contigerint; Serenissimi regis plenipotentiarios huic inde hac de re tractaturos et conventuros constituerint, scilicet, alte memoratus Christianissimus Rex dominum Paulum Barillon Damoncourt, marchionem de Brangues, consiliarium ordinarium in concilio suo status, et legatum suum extraordinarium; et alte memoratus Magnae Britanniae Rex, dominos Georgium, baronem Jeffreys de Wem, magnum Angliae cancellarium, Laurentium, comitem de Rochester, magnum Angliae thesaurarium, Robertum, comitem de Sunderland, presidem concilii privati et primariorum status secretariorum unum, Carolum, comitem de Middleton, primariorum status secretariorum alterum, et Sidneium, dominum Godolphin, Majestatis suae consiliarios intimos, qui post rite permutatas plenipotentiarum tabulas in sequentes, articulos convenerunt.

1. Conclusum et concordatum est quod ab hoc usque die sit firma pax, unio, concordia, et bona correspondentia tam terra quam mari inter nationes Gallicam et Britannicam in America sive Septentrionali sive Meridionali, et

[30] The text is taken from the ratification by France, preserved in the P. R. O., St. Pap. For., Treaties, no. 65.

super insulas, colonias, fortalitia, civitates, et praefecturas sine distinctione locorum sub Serenissimi Regis Christianissimi vel Serenissimi Regis Magnae Britanniae ditione in America positas, et de praefectis utriusque regis respective gubernatas.

2. Quod nullae naves aut navigia majora vel minora ad Serenissimi Regis Christianissimi subditos in praedictis Gallici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis pertinentia instruantur vel adhibeantur ad aggrediendum Serenissimi Regis Magnae Britanniae subditos in suis insulis, coloniis, fortalitiis, civitatibus, et praefecturis, vel ad ullam iis injuriam aut damnum inferendum. Pari modo quod nullae naves aut navigia majora vel minora ad Serenissimi Regis Magnae Britanniae subditos, in praedictis Anglici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis pertinentia instruantur vel adhibeantur ad aggrediendum Serenissimi Regis Christianissimi subditos in suis insulis, coloniis, fortalitiis, civitatibus, et praefecturis vel ad ullam iis injuriam aut damnum inferendum.

3. Quod nulli milites, hominesve militares, vel alii qualescunque, habitantes et commorantes in praedictis Gallici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis, vel qui illuc ex Europa in praesidia veniunt, ullum actum hostilitatis, ullumve damnum aut injuriam, directe vel indirecte, faciant aut moliantur adversus Serenissimi Regis Magnae Britanniae subditos in praedictis Anglici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis, neque ullum auxilium aut ullas suppetias hominum vel victualium praebebunt aut ferent barbaris cum quibus Rex Magnae Britanniae bellum geret. Pari modo quod nulli milites, hominesve militares, aut alii qualescunque habitantes et commorantes in praedictis Anglici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis, vel qui illuc ex Europa in praesidia veniunt, ullum actum hostilitatis, ullumve damnum aut injuriam, directe vel indirecte, faciant aut initiantur adversus Serenissimi Regis Christianissimi subditos in praedictis Gallici juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis; neque ullum auxilium aut ullas suppetitas [*sic*] hominum vel victualium praebebunt aut ferent barbaris cum quibus Rex Christianissimus bellum geret.

4. Conventum est quod uterque rex habeat retineatque sibi omnia dominia, jura et praeeminentias in maribus Americanis, fretis atque aquis quibuscunque, eadem pari amplitudine quae illis jure competit et eodem modo quo illis jam fruuntur.

5. Atque idcirco subditi et incolae, mercatores, navarchi, naucleri, nautaeque regnorum, provinciarum, terrarumque utriusque regis respective abstinebunt cavebuntque sibi a commerciis et piscatura in locis omnibus quae ab una vel altera parte occupantur vel occupabuntur in America, nimirum Regis Christianissimi subditi negotiationem non dirigent, mercaturam non exercebunt et piscaturam non facient in portubus, fluminibus, sinubus, oestuariis, stationibus, littoribus, locisve quae Rex Magnae Britanniae in America tenet vel in posterum tenebit, et vicissim Regis Magnae Britanniae subditi negociationem non dirigent, mercaturam non exercebunt, et piscaturam non facient in portubus, fluminibus, sinubus, oestuariis, stationibus, littoribus, locisve quae ibidem a Rege Christianissimo possidentur vel in posterum possidebuntur, et si navis aliquis sive navigium deprehendetur, mercaturam vel piscaturam faciens contra hujus tractatus tenorem, navis ista sive navigium una cum onere (probatione legitima facta) fisco adjudicetur; licebit tamen parti quae se gravatum senserit, ejusmodi confiscationis sententia, concilium status istius regis a cujus praefectis vel judicibus lata fuerit contra ipsum sententia, adire, ibidemque querelam suam ea de re exponere, quod tamen executionem sententiae non impediet; intellectum tamen semper esto, libertatem navi-

gationis neutiquam interrumpi debere, modo nihil adversus genuinum sensum hujus tractatus committatur.

6. Item concordatum est, quod si alterutrius regis subditi et incolae cum navibus suis, sive bellicae sive et publicae sive onerariae ac privatae, procellis abrupti fuerint, vel persequentibus pyratis, inimicis, ac hostibus aut aliqua alia urgente necessitate coacti fuerint, se ad portum quaerendum in alterius regis flumina, sinus, oestuaria ac stationes eripere vel ad littora quaecunque in America appellere, benigne omnique humanitate ibidem excipiantur, amica gaudeant protectione et benevole tractantur; nullo autem modo impediantur quominus integrum omnino habeant reficere se, victualia etiam et omne genus commeatuum sive vitae sustinendae sive navibus reparandis et itineri faciendo necessarium aequo et consueto pretio comparare; nulla quoque ratione prohibeantur, ex portu et statione vicissim solvere ac egredi, quin ipsis licitum sit pro libitu migrare loco liberoque discedere, quandocunque et quocunque visum fuerit, absque ulla molestatione aut impedimento; cautum vero semper sit ut onus non distrahant, neque mercium aut sareniarum aliquid e navibus efferant et vendi exponant; nec etiam mercimonia ab altera parte in naves recipiant vel piscaturam faciant, sub poena confiscationis navium et mercium, eo modo quo praecedenti articulo conventum est; concordatum insuper est quod quotiescunque alterutrius regis subditi cum navibus suis alterius portus ingredi, prout supra dictum est, coacti fuerint, ipso ingressu vexillum vel signum nationis suae exponere et adventus sui notitiam trina tormenti majoris explosione dare tenebuntur, sin autem majora ipsis non fuerint tormenta, trina sclopetae explosio sufficiet; quod ni fecerint, scapham autem ad terram miserint, confiscationi obnoxii erunt.

7. Pari ratione si naves alterutrius regis ejusdemque subditorum [aut] incolarum ad oras aut in ditionibus quibuscunque alterius impegerint, jactum fecerint, vel (quod Deus avertat) naufragium aut damnum quodcunque passae fuerint, periclitantibus aut naufragis benevole et amicissime subveniatur atque auxilium feratur, litteraeque illis salvi conductus exhibeantur, quibus inde tuto et absque molestia exire, et ad suam quisque patriam redire valeat.

8. Quando alterutrius naves (uti supra dictum est) maris periculo, aliave cogente ratione compulsae in alterius portus adigantur, si tres quatuorve fuerint, justamque suspicionis occasionem praebere potuerint, adventus istiusmodi causa gubernatori vel primario loci magistratui statim exponetur, nec diutius ibi mora trahetur quam quae illis a dicto gubernatore aut praefecto permissa, et victui comparando navibusque tum resarciendis tum instruendis commoda atque aequa fuerit.

9. Conventum insuper est quod regis Christianissimi subditis insulam Sancti Christophori habitantibus licebit flumina Sinus Magni entrare ad aquam hauriendum vel comparandum; licebit etiam subditis regis Magnae Britanniae praedictae insulae salem de salinis ibidem petere ac sine ulla molestia vel impedimento aliquo tam mari quam terra asportare; proviso tamen quod regis Christianissimi subditi aquam diurno tantum tempore haurient, ibidemque regis Magnae Britanniae subditi salem navibus vel navigiis non nisi diurno tempore imponent; et quod naves vel navigia utriusque respective nationis quae aquae hauriendae vel salis petendi gratia accesserint adventum suum vexilli vel signi nationis suae expositione et trina tormenti majoris explosione significabunt; sin autem majora ipsis non fuerint tormenta, trina sclopetae sufficiet explosio; si vero aliqua navis alterutrius nationis sub praetextu hauriendae aquae vel petendi salis mercaturam fecerit, fisco addicetur.

10. Quod subditi neutrius nationis excipient barbaros loci incolas, vel servos, sive bona quae ab alterius nationis subditis direpta, dicti incolae au-

ferent, aut auxilium protectionemve ipsis exhibebunt, in ejusmodo direptionibus vel depraedationibus.

11. Quod praefecti, officiales, et subditi alterutrius regis, alterius subditis nullam molestiam inferent in coloniis respective suis stabiliendis aut in commercio et navigatione facienda.

12. Et quo Serenissimi Regis Christianissimi, Serenissimi item Regis Magnae Britanniae subditorum securitati abundantius cautum sit, quo nulla injuria per alterutrius partis naves bellicas aut alias sumptibus privatis ad bellum instructas iis inferetur, omnibus tam Serenissimi Regis Christianissimi quam Serenissimi Regis Magnae Britanniae navium praefectis, omnibusque eorum subditis, qui suis impensis naves instruent, ut et privilegiatis hinc inde communitatibus, omni in alteram partem injuria et damno quocunque interdicetur, sin secure facient poenas lucri, et praeterea obstricti etiam de damno cum omni causa et eo quod interest satisfacere per reparationem et restitutionem sub obligatione et nexu personae bonorumque.

13. Ob hanc causam singuli navium sumptibus privatis ad bellum instructarum praefecti, antequam diplomata sive commissiones suas speciales recipiant, sufficientem fiduciariam cautionem, per viros idoneos qui solvendo sunt et in tali navi partem vel interesse non habent, coram judice competente interponere in posterum tenebuntur in summa mille librarum sterlingarum, sive tredecim millium librarum (wulgo livres) ; et quoties centum et quinquaginta numero excedent homines in summa bis mille librarum sterlingarum, sive viginti sex millium librarum, se damnis et injuriis quisbuscunque quas suo cursu navali ipsi vel sui officiales, aliive sibi inservientes contra praesentem hunc tractatum, vel alium quemcunque inter Serenissimum Regem Christianissimum et Serenissimum Regem Magnae Britanniae committant in solidum satisfacturos, sub poena etiam revocationis et cassationis litterarum commissionalium specialium ac diplomatum, in quibus semper inseretur talem cautionem ab ipsis (ut praefertur) interpositam fuisse, et insuper conventum est quod navis etiam ipsa damnis et injuriis a se illatis satisfacere tenebitur.

14. Cum vero piratae per maria Americae tam Septentrionalis quam Meridionalis huc illuc discursantes multa commerciis inferunt damna, et utriusque coronae subditos in partibus istis navigantes et mercaturam exercentes variis afficiunt molestiis, concordatum est quod utriusque regis praefectis et ministris stricte injungatur, quatenus piratis cujuscunque fuerint nationis, nullum omnino auxilium, patrocinium, vel etiam recessum, in portubus aut stationibus sub eorum respective ditionibus sitis quoquemodo praebeant; praedictis etiam praefectis et ministris expresse mandetur, ut omnes qui navem vel naves sine legitima commissione ac authoritate ad cursum instruere deprehendentur, tanquam piratas puniant.

15. Nullus utriusvis regum subditus diploma aut commissionem, navem vel naves ad cursum in America sive Septentrionali sive Meridionali armandi et instruendi, petat vel accipiat a quovis principe aut statu, cum quo alter regum bellum gerit; si quis autem istiusmodi diploma vel commissionem acceperit ut pirata puniatur.

16. Christianissimi Regis subditi plena fruantur libertate piscandi testudines in insulis vulgo Cayman dictis.

17. Quod si quae unquam differentiae aut controversiae inter subditos praedictorum Serenissimorum Regum in praedictis utriusque juris insulis, coloniis, fortalitiis, civitatibus, et praefecturis (sive mari sive terra) ortae fuerint, pax haec et bona correspondentia non idcirco interrumpetur aut infringetur; verum istae controversiae quae inter subditos amborum regum evenerint, cognoscantur, decernantur, et determinentur a praefectis utriusque respective jurisdictionis ubi controversiae ortae fuerint, vel ab iis quos

ipsi deputaverint; si vero eaedem differentiae a dictis praefectis inter spatium unius anni determinari non possunt, praedicti praefecti eas utrique Serenissimo Regi quantocius dimittant, ut pro justicia eo modo quo inter ipsos conveniet determinentur.

18. Conclusum insuper et concordatum est quod si unquam aliqua ruptura (quod Deus avertat) inter dictas coronas in Europa acciderit, nullus tamen actus hostilitatis neque terra neque mari exercebitur ab ullis Serenissimi Regis Christianissimi praesidiis, militibus, aut subditis quibusvis insularum, coloniarum, fortalitiarum, civitatum, et praefecturarum nunc existentium, vel quae in posterum erint juris Gallici in America, adversus Serenissimi Regis Magnae Britanniae subditos in ullis Americae coloniis habitantes vel ibidem commorantes, item reciproce quod in supradicto casu rupturae in Europa nullus hostilitatis actus neque terra neque mari exercebitur ab ullis Serenissimi Regis Magnae Britanniae praesidiis, militibus, aut subditis quibusve insularum, coloniarum, fortalitiorum, civitatum, et praefecturarum nunc existentium, vel quae in posterum erunt juris Anglici in America adversus Serenissimi Regis Christianissimi subditos in ullis Americae coloniis habitantes vel ibidem commorantes; sed pax et neutralitas vera et firma remanebit in America inter praedictas nationes Gallicam et Britannicam, eodem plane modo ac si talis ruptura in Europa non accidisset.

19. Provisum et concordatum est quod praesens iste tractatus nullomodo deroget tractatui inter praedictos Serenissimos Reges 31/21 die mensis Julii anno Domini 1667, Bredae concluso, sed quod omnes et singuli illius tractatus articuli clausulaeque suo in vigore maneant et observentur.

20. Quod omnes tractatus sive articuli ullo antehac tempore inter praedictas nationes super insulam Sancti Christophori vel alibi in America facti et conclusi pristinum suum vigorem obtineant et ab utraque parte observentur sicut antea, nisi in quantum contrarii esse reperiantur praesenti huic tractatui.

21. Conventum denique et conclusum est quod praesens tractatus omniaque et singula in eo contenta, quam mature fieri poterit, hinc inde ratihabebuntur et confirmabuntur; quodque ratificationes desuper habitae intra duos menses a data praesentium reciproce riteque inter ambas partes permutabuntur, atque intra octo mensium spatium, aut citius si fieri poterit, per omnia utriusque regis regna, dominia, et colonias, tam in America quam alibi, publicentur.

In quorum omnium et singulorum fidem nos supra memorati plenipotentiarii praesentem tractatum manibus nostris et sigillis mutuis subsignavimus et munivimus. Datum in palatio regio de Whitehall die sexto/decimo sexto mensis Novembris 1686. Signé Barillon d'Amoncourt, Jeffreys C., Rochester, Sunderland P., Middelton, et Godolphin, et scellé du cachet de leurs armes.

Nous ayans agreable le susdit traité de neutralité en tous et en chacun les points qui y sont contenus et declarez, avons iceux acceptez, aprouvez, ratiffiez, et confirmez, acceptons, aprouvons, ratiffions, et confirmons, et le tout prometons en foy et parolle de roy garder et observer inviolablement, sans aller ni venir au contraire, directement ni indirectement, en quelque sorte et maniere que ce soit. En tesmoing de quoy nous avons signé les presentes de nostre main et a icelles fait apposer nostre scel. Donné a Versailles le vingt neufvieme Novembre l'an de grace mil six cens quatre vingts six et de nostre regne le quarante quatre.

Louis.

Par le roy.

Colbert.

TRANSLATION.

Louis, by the grace of God king of France and Navarre, to all those who shall see these present letters, greeting. Having seen and examined the treaty of neutrality in America signed at London on the sixteenth of this month in our name by the Sieur Barillon d'Amancourt, marquis de Branges, ordinary councillor in our council of state and our extraordinary ambassador to our very dear and greatly beloved good brother the King of Great Britain, in virtue of the full powers which we had given him therefor, and in the name of our said brother by the lords Baron Jeffreys of Wem, high chancellor of England, the Earl of Rochester, high treasurer of England, the Earl of Sunderland, president of the privy council and one of the principal secretaries of state, the Earl of Middleton, the other principal secretary of state, and Sidney Godolphin, all privy councillors of the said King of Great Britain, similarly provided with full powers on his part, of which treaty of neutrality the tenor here follows:

Whereas to the Most Serene and Most Potent prince Louis XIV., Most Christian King of France and Navarre, and to the Most Serene and Most Potent prince James the Second, King of Great Britain, nothing is more dear than to establish more and more, day by day, mutual friendship between themselves, and a sincere concord and correspondence between their kingdoms, dominions, and subjects, and whereas toward that end it has seemed good to them to enter into a treaty of peace, good correspondence, and neutrality in America, whereby, so far as is possible, all controversies and differences may be prevented which might arise between the subjects of both crowns in those more remote regions, the Most Serene kings have commissioned plenipotentiaries on both sides to treat and agree respecting this matter, to wit, the aforesaid Most Christian King commissioned the lord Paul Barillon d'Amancourt, marquis de Brangues, ordinary councillor in his council of state and his extraordinary ambassador, and the aforesaid King of Great Britain commissioned the lords George, lord Jeffreys of Wem, high chancellor of England, Laurence, earl of Rochester, high treasurer of England, Robert, earl of Sunderland, president of the privy council and one of his principal secretaries of state, Charles, earl of Middleton, his other principal secretary of state, and Sidney, lord Godolphin, privy councillors of his Majesty, who having duly exchanged their full powers agreed upon the following articles.

1. It is concluded and agreed that from this day on there shall be firm peace, union, concord, and good correspondence, both on land and on sea, between the French and British nations in both North America and South America, and throughout those islands, colonies, fortresses, states, and governments, without distinction of place, which lie in America under the jurisdiction of the Most Serene Most Christian King and of the Most Serene King of Great Britain, and are governed by the officers of those kings respectively.

2. That no ships or vessels, larger or smaller, belonging to the subjects of the Most Serene Most Christian King in the aforesaid islands, colonies, fortresses, states, and governments under French jurisdiction, shall be prepared or sent forth for aggression upon the subjects of the Most Serene King of Great Britain in his islands, colonies, fortresses, states, and governments or for the bringing of any injury or damage to them. Similarly, that no ships or vessels, greater or smaller, belonging to subjects of the Most Serene King of Great Britain in the aforesaid islands, colonies, fortresses, states, and governments under English jurisdiction shall be prepared or sent out for aggression upon subjects of the Most Serene Most Christian King

in his islands, colonies, fortresses, states, and governments or for the bringing of any injury or damage upon them.

3. That no soldiers or military men or any others, inhabiting and dwelling in the aforesaid islands, colonies, fortresses, states, and governments under the jurisdiction of France, or who have come into garrisons thither from Europe, shall commit any act of hostility or inflict damage or injury, directly or indirectly, upon subjects of the Most Serene King of Great Britain in the aforesaid islands, colonies, fortresses, states, and governments under the jurisdiction of England, or shall offer or bring any aid or supplies of men or provisions to barbarians with whom the King of Great Britain is carrying on war. Similarly that no soldiers or military men or any other persons inhabiting or dwelling in the aforesaid islands, colonies, fortresses, states, and governments under English jurisdiction, or who have come into garrisons from Europe, shall commit any act of hostility or bring any harm or injury, directly or indirectly, to the subjects of the Most Serene Most Christian King in the aforesaid islands, colonies, fortresses, states, and governments under French jurisdiction, nor shall they offer or bring any aid or other supplies of men or provisions to barbarians with whom the Most Christian king is carrying on war.

4. It is agreed that each king shall have and retain for himself all dominions, rights, and prerogatives in the seas, straits, or other waters of America, with the same amplitude which belongs to each by right and in the same manner in which he now enjoys them.

5. And moreover the subjects, inhabitants, merchants, ship-captains, skippers, and sailors of the kingdoms, provinces, and lands of both kings respectively, shall abstain and keep away from trade and fishing in all places which are occupied or shall be occupied by one or the other party in America, and further the subjects of the Most Christian King shall not direct traffic nor carry on trade nor engage in fishing in the ports, rivers, bays, estuaries, stations, shores, or places which the King of Great Britain holds or shall hereafter hold in America; and in turn the subjects of the King of Great Britain shall not direct traffic nor carry on trade nor engage in fishing in the ports, rivers, bays, estuaries, stations, shores, or places which there are possessed by the Most Christian King; and if any ship or vessel is apprehended carrying on trade or fishing contrary to the tenor of this treaty, that ship or vessel, after legal proof rendered, shall be confiscated together with its cargo. Nevertheless it shall be permitted to any party who considers himself aggrieved by such sentence of confiscation to appeal to the council of state of that king by whose officers or judges sentence was given against him, and there to set forth his complaint concerning this matter, which nevertheless shall not impede the execution of the sentence; it is however to be understood that freedom of navigation ought in no wise to be interrupted provided no act is committed against the true meaning of this treaty.

6. It is further agreed that if the subjects or inhabitants under either king, with their ships, whether ships of war and public or ships of burden and private, shall be driven out of their course by storms, or shall be compelled by pirates pursuing, or enemies, or any other urgent necessity, to escape by seeking harbor in the rivers, bays, estuaries, or stations of the other king, or to come to any shores in America, they shall be received there kindly and with all humanity, shall enjoy friendly protection, and be treated with benevolence; they shall moreover be nowise hindered from making complete repairs or from obtaining at a fair and customary price victuals and every sort of supplies necessary either for sustaining life or for repairing vessels or for journeying; also they shall be nowise prohibited from sailing

forth in turn from harbor or station but rather shall be permitted to change place at will, and freely to depart whensoever and whithersoever they see fit, without any molestation or hindrance; care shall however be taken that they do not carry away any freight, nor land from their ships and offer for sale any goods, nor take goods from the other party into their ships, nor carry on fishing, under penalty of confiscation of ships and goods, as has been agreed in the preceding article. It is moreover agreed that as often as subjects of either king with their ships shall have been compelled to enter the ports of the other, as above said, on their entrance they shall be required to display the ensign of their nation and give notice of their arrival by three salutes of their cannon; if however they have no cannon three musket shots will suffice. If they do not perform this, and send any boat to shore, they shall be subject to confiscation.

7. Similarly, if the ships of either king and of his subjects or inhabitants shall come upon the shores or into the jurisdiction of the other, or shall make jettison, or (which God forbid) shall suffer shipwreck or any damage, aid shall be given in a kind and friendly manner to those in danger or shipwrecked, and letters of safe conduct shall be given them by which they may go thence safely and without harm and return each to his own country.

8. When ships of either party (as above said) driven by danger of the sea or other compelling cause shall come into the ports of the other, if there are three or four of them, and they may give reasonable ground for suspicion, the arrival of such shall be immediately announced to the governor or chief magistrate of the place, and they shall not delay there a longer time than is permitted to them by the said governor or officer and than is suitable and right for buying provisions and refitting or rebuilding the ships.

9. It is further agreed that subjects of the Most Christian King inhabiting the island of St. Christopher shall be permitted to enter the rivers of the Great Bay to draw or obtain water; also, subjects of the King of Great Britain of the said island shall be permitted to obtain salt from the salt-pans there and carry it away, whether by sea or by land, without any molestation or hindrance; provided nevertheless that subjects of the Most Christian King shall draw water only in the daytime, and subjects of the King of Great Britain shall not load salt on their ships or vessels except in the daytime, and that ships or vessels of either nation respectively which have come to obtain water or salt shall announce their arrival by hoisting the flag or ensign of their nation and by three cannon shots; but if they have no cannon three musket shots will suffice; if however any ship of either nation carries on merchandize under pretext of obtaining water or salt, it shall be confiscated.

10. That subjects of neither nation shall receive barbarians dwelling in the place, or slaves, or goods which the said dwellers may have stolen from subjects of the other nation, nor shall they give them aid or protection in such thefts or depredations.

11. That the officers of neither king shall molest the subjects of the other in establishing their respective colonies or carrying on commerce and navigation.

12. And out of more abundant caution for the security of the subjects of the Most Serene Most Christian King and the Most Serene King of Great Britain, in order that no harm may be inflicted upon them by war-ships of the other party or other ships prepared at private expense for warfare, all ship-captains, both of the Most Serene Most Christian King and of the Most Serene King of Great Britain, and all their subjects who fit out ships at their own expense, and all privileged communities on both sides, shall be prohibited from all injury and harm toward the other party, but shall give

security and be restrained from damage on any account and satisfy the interested party by reparation and restitution, under obligation of person and goods.

13. For this reason all captains of vessels fitted out for warfare at private expense, before receiving their letters of marque or special commissions shall be required hereafter to give, before a competent judge, through suitable men, solvent and having no part or interest in such ship, suitable security in the sum of a thousand pounds sterling or thirteen thousand livres; and when the men exceed the number of one hundred and fifty, in the sum of two thousand pounds sterling or twenty-six thousand livres, to the effect that they will give satisfaction for any injuries whatever which they or their officers or any others serving them may in their cruise commit against the present treaty or any other between the most Serene Most Christian King and the Most Serene King of Great Britain, under penalty of the revocation and cancelling of their commissions and letters of marque, in which it shall always be mentioned that such security has been given by them (as above said); it is moreover agreed that the ship itself shall be held to satisfy injuries committed by it.

14. Since however pirates cruising hither and thither on the seas of both North and South America commit many injuries upon commerce and molest in various ways the subjects of both crowns sailing and carrying on commerce in those parts, it is agreed that strict orders shall be given to the commanders and officials of both kings that they shall not in any way afford aid, patronage, or refuge to pirates of whatever nation in the harbors and stations situated in their respective jurisdictions; and that these commanders and officials shall be expressly charged to punish as pirates all who are apprehended in fitting out a ship or ships for cruising without lawful commission and authority.

15. No subject of either king shall seek or accept from any prince or state with whom one of the kings is carrying on war any letter of marque or commission for arming and fitting out a ship or ships for privateering in either North America or South America; and if anyone shall have accepted such a letter of marque or commission he shall be punished as a pirate.

16. Subjects of the Most Christian King shall enjoy full liberty for catching tortoises in the islands commonly called Cayman.

17. And if ever any differences or controversies arise, whether on sea or on land, between the subjects of the aforesaid Most Serene kings of the aforesaid islands, colonies, fortresses, states, and governments belonging to either, this present peace and good correspondence shall not for that reason be interrupted or infringed, but those controversies which shall arise between the subjects of both kings shall be taken into cognizance, tried, and determined by the governors of the respective jurisdictions in which the controversies have arisen, or by such persons as these shall depute; if however these differences can not be determined by the said commissioners within the period of a year, the said commissioners shall refer them immediately to either one of the Most Serene kings, as shall be determined to be just by such mode as may be agreed upon by them.

18. It is furthermore declared and agreed that if ever any rupture shall occur in Europe between the said crowns (which God forbid), no act of hostility, whether by sea or by land, shall be committed by any garrisons or soldiers of the Most Serene Most Christian King or any subjects of islands, colonies, fortresses, states, and governments which now are or hereafter shall be under French rule in America against subjects of the Most Serene King

of Great Britain dwelling or sojourning in any colonies of America, and reciprocally that in the aforesaid case of rupture in Europe no act of hostility, either by sea or by land, shall be committed by any garrisons or soldiers of the Most Serene King of Great Britain or by any subjects of islands, colonies, fortresses, states, and governments which now are or hereafter shall be under English rule in America against subjects of the Most Serene Most Christian King dwelling or sojourning in any colonies of America. But true and firm peace and neutrality shall continue in America between the aforesaid French and British nations, in the same manner as if no such rupture had occurred in Europe.

19. It is provided and agreed that this present treaty shall nowise derogate from the treaty concluded at Breda on the 31/21 day of July in the year of our Lord one thousand six hundred and sixty-seven between the aforesaid Most Serene kings, but that all and singular the articles and clauses of that treaty shall remain and be observed in full force.

20. That all treaties or articles made and concluded heretofore between the aforesaid nations upon the island of St. Christopher or elsewhere in America shall have their original force, and be preserved by both parties as before, save in so far as they may be found to be contrary to this present treaty.

21. Finally, it is agreed and concluded that the present treaty, and all and singular the articles therein contained, shall be ratified and confirmed on both sides as early as shall be possible; and that the ratifications thereof shall be reciprocally and duly exchanged between the two parties within two months from the date of these presents, and within eight months, or less if need be, shall be published throughout all the kingdoms, dominions, and colonies of both kings, as well in America as elsewhere.

In faith of all and singular these things we the abovenamed plenipotentiaries have mutually signed the present treaty with our hands and affixed to it our seals. Given in the Royal Palace of Whitehall on the sixth/sixteenth day of the month of November one thousand six hundred and eighty-six.

Barillon d'Amoncourt.
Jeffreys, Chancellor.
Rochester.
Sunderland, President.
Middleton.
Godolphin.

and sealed with the seals of their arms.

We, agreeing to the aforesaid treaty of neutrality in all and singular the points contained and declared therein, have accepted, approved, ratified, and confirmed them, and do accept, approve, ratify, and confirm, and promise on our loyal faith and word to keep and observe the whole inviolably, without doing anything to the contrary, directly or indirectly, in any manner whatsoever. In testimony whereof we have signed these presents with our hand and caused our seal to be affixed to them. Given at Versailles, the twenty-ninth of November, in the year of grace one thousand six hundred and eighty-six, and of our reign the forty-fourth.

Louis.
By the King,
Colbert.

80.

Agreement between France and Great Britain respecting peace in America, concluded at Whitehall, December 1/11, 1687.

Introduction.

The Anglo-French treaty of neutrality in America[1] left the pretensions and disputes of the two nations on that continent unadjusted. To execute the treaty, settle controversies, and determine the limits of their respective American dominions, in May, 1687, commissioners were appointed by both crowns. France was represented by Barillon and Bonrepaus, negotiators of the treaty of 1686; England, by the Earls of Sunderland and Middleton, the principal secretaries, and by Lord Godolphin. The conferences, which began in London on May 18/28, touched upon minor disputes relating to the West Indian islands of St. Lucia, Dominica, and St. Christopher; to the "country of the Iroquois"; the region from the Penobscot to the Kennebec; the claim of James Kirke respecting Canada; and the seizure, by subjects of one crown, of ships belonging to the other.[2] The chief matter of discussion was the conflicting claims of the two nations to the vast territory about Hudson Bay, where their great fur-trading companies had recently clashed.

The (English) Hudson's Bay Company complained that between 1682 and 1686 Frenchmen from Canada had ruined its factory at Port Nelson, on the west side of the Bay, and three of its forts and establishments at the bottom of James Bay, besides seizing or destroying its men, ships, and merchandise, and cutting off its trade with the Indians. For these losses the company asked to be indemnified.[3] The French replied that as regarded Port Nelson, the Canadian Company of the North had sent Radisson and Groseilliers there in 1682; that these men had previously established a trade by land with the savages of those parts, and, in 1682, built a fort and storehouse there, before

[1] See above, Doc. **79**.

[2] For the proceedings of the commissioners in respect to these subjects, see Phillipps MSS., no. 8794, Library of Congress. The matter concerning Hudson Bay, in this volume, is the same as that in "Transactions between England and France relating to Hudson's Bay, 1687". See below, bibliography. On the dispute regarding St. Lucia, see *Cal. St. Pap. Col.*, 1685-1688, nos. 871, 1255, and *Memorials of the English and French Commissaries concerning St. Lucia* (1755), *passim*.

[3] Brymner, *Report on Canadian Archives*, 1883, pp. 183-185. For an account of the occurrences at Port Nelson, see Beckles Willson, *The Great Company* (1900), pp. 98 ff.; A. C. Laut, *Conquest of the Great Northwest* (sixth ed., 1918), pp. 166 ff.; *id., Pathfinders of the West* (1904), chs. VI., VII. For a narrative of the capture of the forts on James Bay by the French, in 1686, see Laut, *Conquest*, ch. XII.; I. Caron, "Une Expédition à la Baie d'Hudson en 1686", in Soc. de Géog. de Québec, *Bulletin*, XII. (1918) 129-138; I. Caron, *Journal de l'Expédition du Chevalier de Troyes à la Baie d'Hudson en 1686* (1918).

the arrival of the English.[4] The French justified their capture of the English forts on James Bay as reprisals for the seizure and pillaging of French buildings near Port Nelson, by the English, in 1683; and the Company of the North proposed that the damages suffered by both sides be adjudged and liquidated by commissioners named by the two kings.[5]

The commissioners of each side tried to prove the right of their nation to the entire Hudson Bay region, on the ground of priority of discovery, possession, and occupation. The English based their claims upon the discovery of Northern America by Cabot (1497); upon the taking possession of places in the Bay, by Hudson (1610), Button (1612), Fox (1631), and Newland (1669); upon the building of Fort Charles on Rupert's River (1668), and of the fort at Port Nelson in 1682; and upon the charter of the Hudson's Bay Company (1670). The French adduced Roberval's commission (1540) to take possession of the lands discovered by Verrazano (1525), and Cartier (1534); letters patent to the Marquis de la Roche (1598); grants to trading companies (1627-1664); the taking possession of places in the Bay by Bourdon (1656),[6] Dablon (1661),[7] Couture (1663),[7] and Father Albanel (1672);[8] the voluntary submission of Indian tribes from the Hudson Bay region to French domination; the gradual extension of the fur trade over the vast region from the St. Lawrence and the Great Lakes to the Bay.[9] They denied the validity of the claims of the English based on the earlier voyages, or that the "treason" of Groseilliers and Radisson, which made possible the building of Fort Charles, could establish a title against the French Company, or that Frontenac's failure to remonstrate against the English occupation indicated acquiescence therein.[10] The English, on the other hand, denied that the French ever made any "apparent settlement" in Hudson Bay before that at Port Nelson in 1682, after the English had been (so they said) continuously established there for twenty years.[11]

Since no decision could be arrived at in respect to the right of either crown to the entire ownership of the Bay, the French commissioners proposed an "accommodation" either to win over members of the Hudson's Bay Com-

[4] Brymner, *op. cit.*, p. 183. Whether Radisson had visited the shores of Hudson Bay before he led the English to Fort Charles, in 1668, is a moot point. Bonrepaus wrote to Seignelay on Sept. 4: "Il faut considerer qu'avant l'année 1681 les François ne se sont jamais avisez de faire aucun établissement dans aucun lieu de la coste de la mer sur cette baye, et qu'il est certain, quoyque nous leur soutenions le contraire, que les Anglois avoient un établissement au port de Nelson avant nous, à la vérité considérable et leurs magazins presque ruinez. J'ay vérifié cela sur les livres de la compagnie angloise." P. R. O., Paris Transcripts.

[5] Brymner, *op. cit.*, p. 185. The English declared that in dispossessing the French in 1683 they merely recovered what belonged to them.

[6] J. Edmond Roy concludes that Bourdon did not go to Hudson Bay in 1656, although, in the following year, he attempted this journey, probably without success. "Jean Bourdon et la Baie d'Hudson", in *Bulletin des Recherches Historiques* (1896), II.

[7] The evidence seems to show that Dablon and Couture did not reach the Bay. *Cf.* J. E. Roy, *Histoire de la Seigneurie de Lauzon* (1897-1904), tom. I., ch. XIV., tom. V., app. I.

[8] On Albanel, see Laut, *Pathfinders*, pp. 141-147.

[9] Brymner, *op. cit.*, pp. 182, 183; *Cal. St. Pap. Col.*, 1685-1688, no. 1324.

[10] Brymner, *op. cit.*, pp. 178 ff.

[11] *Ibid.*, pp. 178, 181, 186, 193, 194.

pany, or to bring about the exchange of Port Nelson, then held by the English, for the three forts on James Bay, recently captured, and still held, by the French.[12] This occupation of Port Nelson would have enabled the French to control and eventually to monopolize the fur trade; and therefore the Hudson's Bay Company, to whom Sunderland referred the proposal, rejected it.[13] Undiscouraged, the commissioners of Louis XIV. continued to urge a settlement; and either the governor of the Hudson's Bay Company, Lord Churchill—later the Duke of Marlborough—or the deputy governor, Sir E. Dering (it is not clear which), wished to propose that either one of the companies buy out the interest of the other, in that region. Since the French Company was not financially able to do this, Bonrepaus tried to ward off the proposal, and bring about a division of the commerce between the English and the French.[14] To this end, he suggested that the English divide the Bay into two equal parts, of which the French should choose one.[15] The English, however, preferred to reserve a decision, pending the arrival of two of their ships from the Bay.[16]

Unable to make terms with the company, the French commissioners urged that King James come to an agreement with them, independently of that body.[17] James would probably have been willing to do this (for he generally complied with the wishes of Louis XIV.) had he not found himself, by the autumn of 1687, in an embarrassing position. Having alienated most of his own people, including some of the leading English statesmen, by his pro-Catholic and absolutist conduct of affairs, he could not afford to give his opponents a pretext for accusing him of sacrificing English to French interests by surrendering the rights which the English believed they had to all the coasts of the Bay. Moreover, he was obliged to treat with circumspection the powerful trading company, whose governor, Churchill, had lately assured the Prince of Orange of his deep devotion to the Protestant cause.[18]

[12] On July 3 Bonrepaus wrote to Seignelay: "Comme je scay a fonds tout ce qui s'est passé de part et d'autre depuis que ces pais sont decouverts, je trouveray toujours des moyens et des raisons assez fortes pour les embarraser, a fin de les obliger a proposer euxmémes un accomodement, lequel se pourra faire de deux manieres, sçavoir, en donnant quelque somme a la compagnie angloise pour leur faire abandonner leurs pretentions sur ladite baye, comme la compagnie francoise de Canada la propose, ou en retirant le fort de Nelson qui est le seul établissement par lequel les Francois puissent s'avancer pour estre maitres du commerce de la pelleterie, et rendant aux Anglois les trois forts que l'on a pris sur eux, et dont la compagnie Francoise trouve le commerce fort difficile a soutenir a cause de la difficulte des chemins et de l'excessive depense qu'il faudroit faire pour les rendre practicables." P. R. O., Paris Transcripts. See also Bonrepaus to Seignelay, Aug. 31, 1687; Brymner, *op. cit.*, p. 196, or *Cal. St. Pap. Col.*, 1685-1688, no. 1418.

[13] Brymner, *op. cit.*, p. 197.

[14] Bonrepaus to Seignelay, Sept. 29, 1687. P. R. O., Paris Transcripts.

[15] "Copie du mémoire sur les affaires de l'Amérique septentrionale presenté au roy d'Angleterre par Mrs. de Barrillon et de Bonrepaus le 22 octobre 1687." P. R. O., Paris Transcripts.

[16] Durand, in *Revue d'Histoire Moderne et Contemporaine*, X. 195, 196.

[17] Bonrepaus to Seignelay, Aug. 31 and Sept. 4, 1687. P. R. O., Paris Transcripts.

[18] Sir John Dalrymple, *Memoirs of Great Britain and Ireland* (1773), II. 190. "After May, 1687, the relations of William with the Opposition Lords . . . began to develop into a conspiracy against James" (*Camb. Mod. Hist.*, V. 241). On November 11 Bonrepaus wrote to Seignelay that he had written to the Roman Catholic members of the council and made them understand the importance of avoiding all subjects of conflict

After the arrival of the Company's ships, early in November, the English were less inclined than ever to permit the French to possess any trading place within the Bay; for they attributed to French machinations the mediocre quality of the furs brought by the two ships.[19] Under these circumstances, James II. could not concede more than to empower his commissioners to treat for boundaries of the two nations in America, and whatever else might tend to the removal of all occasions of controversy between the two crowns.[20]

To allow time for collecting the information required for a partitioning of the American lands, the French proposed that orders be given to prevent either nation from molesting the other in America, until negotiations were resumed.[21] In pursuance of this proposal, on December 1/11, 1687, the instrument printed below was mutually signed. It provided that until January 1/11, 1688/9, and afterwards until further orders, no governor or commander-in-chief of the lands of either king in America should commit, or cause to be committed, any act of hostility against the subjects of the other. This agreement was not ratified, the English considering that the commands for its execution would be a virtual ratification.[22] Such orders were duly given by both sides;[23] but failed of their purpose on account of the changed situation resulting from the Revolution of 1688, and the ensuing Anglo-French war.[24]

Bibliography.

Text: MS. A copy of the agreement is in the P. R. O., St. Pap. For., Treaty Papers, no. 14, in a manuscript book entitled "Transactions between England and France relating to Hudson's Bay, 1687", p. 81. Other copies are in C. O. 5: 288 and 1113, C. O. 135: 2, and C. O. 324: 5.

Text: Printed. D. Brymner, *Report on Canadian Archives, 1883, being an Appendix to the Report of the Minister of Argiculture* (Ottawa, 1884), p. 200; *Mémoires des Commissaires du Roi* (1755), II. 89-92.

Translations: English. D. Brymner, *op. cit.*, p. 199; J. R. Brodhead, *Docs. Col. Hist. St. N. Y.* (1853-1883), III. 505. **French.** *Mémoires des Commissaires du Roi, loc. cit.*

References: Contemporary and early writings. Brymner, *op. cit.*, pp. 173-201 ("Transactions between England and France relating to Hudson's Bay, 1687"); *Cal. St. Pap. Col.*, 1685-1688, nos. 1254-1258, 1324, 1325, 1358, 1368, 1369, 1381, 1418, 1419, 1491-1493, 1504, 1513-1519, 1538, 1550; J. R. Brodhead, *op. cit.*, III. 504, 506-510, 549, IX. 314, 330, 345, 371, 372.

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between the King of England and the King of France, especially as the Prince of Orange was doing the best he could to cause trouble between them in the matter of Hudson Bay (P. R. O., Paris Transcripts). Three days later Bonrepaus reported to Seignelay that he was continuing to importune the English commissioners, and that "M. de Barrillon me dit a tout moment que l'affaire de l'Amerique est devenue la plus importante de l'Europe, du succes de laquelle dependent plusieurs autres affaires que sont de la derniere consequence".

[19] Durand, *op. cit.*, p. 196.

[20] Brymner, *op. cit.*, p. 198.

[21] In July, Bonrepaus had made Sunderland see the necessity of regulating the limits of the two crowns in America, and had proposed the drawing up of a general map of America "ou tous les lieux qui doivent appartenir aux deux nations seront marquez avec leurs limites par les longitudes et latitudes et cette carte sera relative au traité".

[22] Bonrepaus to Seignelay, Dec. 11, 1687. P. R. O., Paris Transcripts.

[23] J. R. Brodhead, *Docs. Col. Hist. St. N. Y.*, III. 504, IX. 371.

[24] See below, Doc. 84.

References: Later writings. R. Durand, "Louis XIV. et Jacques II. à la Veille de la Révolution de 1688: les Trois Missions de Bonrepaus en Angleterre", in *Revue d'Histoire Moderne et Contemporaine*, X. (1908) 111-126, 192-197; J. R. Brodhead, *Hist. St. N. Y.* (1853-1871), II. 492-494; F.-X. Garneau, *Histoire du Canada* (fifth ed., 1913, 1920), I. 328 ff; F.-A.-J. Mazure, *Histoire de la Révolution de 1688 en Angleterre* (1843), II. 47-49; Beckles Willson, *The Great Company* (1899), pp. 141, 142.

TEXT.[25]

Quando quidem Serenissimo et Potentissimo principi Jacobo Secundo, Magnae Britanniae regi, et Serenissimo ac Potentissimo principi Ludovico Decimo Quarto, Galliarum et Navarriae regi Christianissimo, visum fuerit commissarios suos constituere, scilicet alte memoratus Magnae Britanniae Rex dominos Robertum, comitem de Sunderland, praesidem consilii sui privati et primariorum status secretariorum unum, Carolum, comitem de Middleton, primariorum status secretariorum alterum, et Sidneium dominum Godolphin, Majestatis suae consiliarios intimos, et alte memoratus Christianissimus Rex dominum Paulum Barillon d'Amoncourt, marchionem de Branges, consiliarum ordinarium in concilio suo status et legatum suum extraordinarium, et dominum Franciscum Dusson de Bonrepaus, consiliarium suum in omnibus conciliis, lectorem ordinarium cubiculi sui, et praefectum generalem rerum maritimarum, pro executione tractatus die 6/16 Novembris anni 1686 conclusi ad sapiendas et determinandas quascunque controversias et differentias quae inter subditos utriusque coronae in America jam exortae sint aut in posterum exoriri possint, ac etiam ad assignandos et statuendos terminos sive limites coloniarum, insularum, terrarum et regionum sub ditione dictorum regum in America sitarum et praefectis utriusque regis respective gubernatorum vel ab ipsis regibus dependentium, nos commissarii supra nominati virtute facultatum nobis a supradictis regibus dominis nostris concessarum per praesens hoc instrumentum ipsorum nomine promittimus, convenimus, et stipulamur, quod usque ad primum/undecimum diem Januarii anno Domini 1688/9 et deinceps a dicto die usque dum praefati Serenissimi Reges aliqua super hac re de novo mandata dederint expressa et de scripto, prohibitum omnino sit singulis praefectis vel gubernatoribus coloniarum, insularum, terrarum, et regionum quae sub alterutrius regis dominiis in America sunt, ullum hostilitatis actum exercere contra alterius dictorum regum subditos, vel eos aggredi, neque sub quocunque pretextu dicti praefecti vel gubernatores permittant ut vis ulla iis inferatur sin secus faciant, poenas luent, ac etiam obstricti erunt, sub obligatione personae bonorumque de damno ex tali contraventione illato satisfacere, neque haec facient alii quicunque sub iisdem poenis.

Quoque stipulatio haec omni meliori modo effectum suum sortiatur, insuper convenimus quod dicti Serenissimi Reges mandata sua hac in parte necessaria quam primum praefectis respective in America mittent, authenticaque eorundem exemplaria utrique vicissim parti tradi quam primum etiam curabunt.

In quorum fidem praesentes manibus nostris et sigillis mutuis subsignavimus et munivimus.

Datum in palatio regio de Whitehall 1/11 die Decembris anno Domini 1687.

SUNDERLAND P.
MIDDLETON.
GODOLPHIN.
BARILLON D'AMONCOURT.
DUSSON DE BONREPAUS.

[25] The text is from a manuscript entitled "Transactions between England and France, relating to Hudson's Bay, 1687", in P. R. O., St. Pap. For., Treaty Papers, no. 14.

TRANSLATION.[26]

Whereas the Most Serene and Potent prince James the Second, king of Great Britain, and the Most Serene and Mighty prince Louis the Fourteenth, the Most Christian king of the Gauls and of Navarre, have thought fit to constitute commissioners, vizt., the said King of Great Britain Robert, earl of Sunderland, president of his Majesty's privy council, and one of the principal secretaries of state, Charles, earl of Middleton, also principal secretary of state, and Sidney, Lord Godolphin, lords of his Majesty's privy council, and on the other side the said most Christian King has thought fit to appoint the Sieur Paul Barillon d'Amoncourt, marquis de Branges, one of the councillors of state in ordinary and his ambassador extraordinary, as likewise the Sieur Francis Dusson de Bonrepaus, councillor in all his councils, reader in ordinary of his bedchamber, and intendant general of the marine, in execution of the treaty concluded the 6/16 of November, in the year 1686, for the guiding and determining all controversies and disputes that have arisen or may hereafter arise between the subjects of both crowns in America, as also to settle and determine the bounds or limits of the colonies, islands, lands, and territories belonging to the said kings, and governed by their respective governors or otherwise depending on the said kings, respectively, in America, We the above named commissioners, by virtue of the powers granted unto us by the said kings, our masters, do by this present instrument, in their names, promise, agree, and stipulate, that until the 1/11 day of January, 1688/9, and afterwards from that day forward until their said Most Serene Majesties shall send any new and express orders in writing concerning this matter, it shall not be lawful for any governor or commander-in-chief of the colonies, islands, lands, and territories, belonging to either king's dominions in America, to commit any act of hostility against or to attack the subjects of the other king. Nor shall the said governors or commanders-in-chief, upon any pretext whatsoever, permit that any violence be done to them, but if they shall allow it, they shall suffer punishment, and penalty of making satisfaction with their goods for the damages arising by such contravention; nor shall any others do the same, under the like penalty.

And to the end the said agreement may have the better effect, we do likewise agree that the said Serene Kings shall immediately send necessary orders in that behalf to their respective governors in America, and cause authentic copies thereof to be also forthwith delivered to the other party. In witness whereof we have mutually hereunto set our hands and seals. Given at the palace of Whitehall, the 1/11 day of December, 1687.

SUNDERLAND P.
MIDDLETON.
GODOLPHIN.

BARILLON D'AMONCOURT.
DUSSON DE BONREPAUS.

[26] The translation is taken, with some insignificant alterations, from the manuscript referred to in note 25.

81.

Convention between the United Netherlands and Great Britain concerning the fitting out of a fleet, concluded at Whitehall, May 11/21, 1689 (antedated April 29, O. S., 1689).[1] *Ratification by the States General, July 8, 1689.*

INTRODUCTION.

Prince William of Orange, stadholder of Holland, Louis XIV.'s most determined enemy, was planning, in the summer of 1688, to draw Great Britain into the coalition long forming against France, for the purpose of restoring political equilibrium to Europe. Dreading attack from France, the States General withheld their consent to William's proposed expedition to England, until the entry of French forces into the Palatinate, in September, 1688, dissipated the United Provinces' fear of immediate invasion.

William landed in England in November; and in the same month France declared war against the Dutch.[2] Now, the treaty of defensive alliance concluded between Great Britain and the States General on March 3/13, 1678,[3] had provided that in case either ally were attacked, the other should break with the aggressor within two months after the ally already engaged in a rupture demanded it, and during that period should aid his ally powerfully. For the purpose, among others, of arranging for joint action against the French, on land and sea, Everard van Weede van Dijkvelt, Willem van Nassau van Odijk, and Nicolaas Witsen were sent to England in January, 1689. Representatives of the Dutch admiralty were also in England from February to April to confer on the estimates for the fleet.[4] Shortly after William was proclaimed king, he called the attention of Parliament to Holland's need of aid;[5] and the House of Commons resolved to assist him "with their lives and fortunes" in supporting his alliances abroad.[6] William urged upon Parliament the necessity of equipping a fleet that in conjunction with that of the States would make them masters of the sea, and prevent the French from using the sea to the disadvantage of the allies.[7] An estimate for the fleet, together with an extract from the Anglo-Dutch treaty already referred to, was laid before the House of Commons on March 26/April 5.[8] Fifty large ships of war, fifteen frigates, and eight fireships were to be em-

[1] H. J. van der Heim, *Het Archief van den Raadpensionaris Antonie Heinsius*, p. 15.
[2] Lambert van den Bos, *Tweede Vervolg van Saken van Staat en Oorlog* (1698), bk. XXVI., p. 164.
[3] See above, Doc. **71**, note 7.
[4] Wagenaar, *Vaderlandsche Historie*, XVI. 20-22; Gebhard, *Witsen*, I. 354.
[5] Feb. 18, 1689. Cobbett, *Parl. Hist.*, vol. V., col. 118.
[6] *Parl. Hist.*, vol. V., col. 150.
[7] *Ibid.*, col. 164.
[8] *Ibid.*, col. 206.

ployed in the Narrow Seas and Mediterranean; and twenty-two ships of war and two fireships for the plantations and convoys. A week later Nottingham, Carberry, Herbert, and Russell were appointed to negotiate with the Dutch commissioners an adjustment of all matters relating to the joint setting out of a fleet.[9]

The main dispute concerned the relative ranking of the officers of the two nations in the war-council of the united fleets.[10] On April 29 the treaty was signed. It stipulated that the English rulers should put to sea fifty large ships of war, fifteen frigates, and eight fireships; and the States, thirty large ships of war, nine frigates, and four fireships. The two fleets were to be divided into three squadrons, operating, respectively, in the Mediterranean, in the Irish Sea and the Channel, and from the Pas de Calais and Dover to Yarmouth and the Zeeland coast. No provision was made for joint naval operations outside European waters, but the two powers were to aid each other there. Thus, the fourteenth article stipulated that captains of British war vessels convoying merchant ships anywhere, or sailing to the West Indies, should be instructed to protect Dutch merchant ships following the same route, and desiring to put themselves under their protection. They were also to aid in defending the Dutch colonies in the West Indies, in so far as the state of the British colonies would permit. Captains of Dutch vessels similarly employed were to give like protection to British ships and colonies.

Considering the great strength of the French navy, which at this time was numerically equal, if not superior, to the combined fleets of England and the Dutch,[11] the anxiety of the maritime powers for the safety of their plantations was justified. Even before the treaty was signed, the French had seized the Dutch West Indian islands of St. Eustatius and Saba.[12] But when, on May 2/12, 1689, William III. ordered the Committee for Trade and Plantations to find out from the Commissioners of the Admiralty what ships might speedily be got ready for the West Indian service, he had offensive as well as defensive measures in mind.[13]

Bibliography.

Text: MS. The ratification by the States General is preserved in the P. R. O., St. Pap. For., Treaties, no. 325.

Text: Printed. J. Dumont, *Corps Diplomatique,* tom. VII., pt. II., pp. 222, 223.

Translation. *A General Collection of Treatys* (1732), I. 267-272.

References: Contemporary and early writings. *Het Archief van den Raadpensionaris Antonie Heinsius,* ed. H. J. van der Heim (1867-1880), I. 13-16; *Hollandse Mercurius* (1689), pp. 123-125.

[9] London, P. R. O., Foreign Entry Books, no. 69.
[10] Wagenaar, *op. cit.*, p. 26.
[11] W. L. Clowes, *The Royal Navy* (1897-1903), II. 326.
[12] *Cal. St. Pap. Col.*, 1689-1692, nos. 65, 88.
[13] J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), III. 573, 574. *Cf.* also *Cal. St. Pap. Col.*, 1689-1692, nos. 90, 94.

References: Later writings. H. J. van der Heim, *Het Archief van den Raadpensionaris Antonie Heinsius,* I. 3 ff.; J. C. J. de Jonge, *Geschiedenis van het Nederlandsche Zeewezen* (third ed., 1869), III. 141, 142, 179-185; Jan Wagenaar, *Vaderlandsche Historie* (1782), XVI. 20-29; J. F. Gebhard, jr., *Het Leven van Mr. Nicolaas Cornelisz. Witsen, 1641-1717* (1881, 1882), I. 333-357, *passim.*

TEXT.[14]

Les Etats Generaux des Provinces Unies des Païs Bas, a tous ceux qui ces presentes verront, salut. Comme ainsi soit, qu'entre les commissaires de leurs majestez le Roy et la Reine de la Grande Bretagne, a savoir Daniel, comte de Nottingham, l'un des premiers secretaires d'etat et des commandemens de leurs majestez et de leur conseil privé, Jean, comte de Carbery en Yrlande et Baron Vaughan en Angleterre, un des commissaires de l'amirauté, Arthur Herbert, ecuyer, premier commissaire de l'amirauté et du conseil privé de leurs majestez, et Edouard Russel, ecuyer, thesaurier des flottes de leurs majestez et de leur conseil privé, d'une part, et nos commissaires, à scavoir Nicolas Witsen bourguemaistre, conseiller, et thesaurier de la ville d'Amsterdam, Guillaume de Nassau, baron de Cortgene, seigneur d'Odÿk, Seist, Drÿbergen, et Blickenburg, premier et representant la noblesse au conseil et à l'assemblée des etatz de Zélande, et Everhard de Weede, seigneur de Weede, Dÿkvelt, Rateles, seigneur fondataire de la ville d'Oudewater, president de l'assemblée des etatz de la province d'Utregt et deputez en nostre assemblée, d'autre part, le vingt neufvième du mois d'Avril de la presente année mil six cent quatre vingt neuf, il ait été fait la convention dont la teneur s'ensuit.

Le Roy et la Reine de la Grande Bretagne ayant été requis depuis plus de deux mois par Messieurs les Etats Generaux des Provinces Unies des Païs Bas d'executer incessamment le traitté du 3. Mars 1677/8 fait entre le feu Roy Charles Second et les Seigneurs Etatz Generaux, parceque le cas est arrivé, que le Roy Tres Chrétien leur a declaré la guerre: Leurs dites Majestez voulant témoigner publiquement leur sincerité et l'affection qu'elles ont toûjours eu et auront toujours pour lesdits Seigneurs Etatz Generaux, ont non seulement trouvé juste d'executer ledit traitté, suivant sa teneur, mais aussi pour leur donner des plus grandes marques de leur cordiale amitié et pour parvenir d'autant plus tost à une bonne paix, elles ont jugé apropos d'augmenter d'un plus grand nombre de vaisseaux le secours stipulé par ledit traitté. Pour cet effet et pour mieux convenir de quelle maniere on doit agir sur mer, leursdites Majestez et lesdits Seigneurs Etatz Generaux ont nommé des commissaires, scavoir de la part de leurs Majestez Daniel, comte de Nottingham, l'un des premiers secretaires d'etat et des commandemens de leurs Majestés et de leur conseil privé, Jean, comte de Carbery en Yrlande et baron Vaughan en Angleterre, un des commissaires de l'amirauté, Arthur Herbert, ecuyer, premier commissaire de l'amirauté et du conseil privé de leurs Majestez, et Eduard Russel, ecuyer, thresorier des flottes de leurs Majestez et de leur conseil privé, et de la part desdits Seigneurs Etatz Generaux Messieurs Nicolas Witsen, bourguemaitre, conseiller et thesaurier de la ville d'Amsterdam, Guillaume de Nassau, baron de Cortgene, seigneur d'Odÿk, Seist, Drÿbergen, et Blickenberg, premier et representant la noblesse au conseil et a l'assemblée des Etatz de Zélande, et Everhard de Weede, seigneur de Weede, Dÿkvelt, Rateles, seigneur fondataire de la ville d'Oudewater, presi-

[14] The text is from the ratification by the States General, preserved in the P. R. O., St. Pap. For., Treaties, no. 325.

dent de l'assemblée des Etatz de la province d'Utregt, et deputez à l'assemblée des Etatz Generaux: Lesquels commissaires et deputez aprés plusieurs conferences ont arresté, promis et accordé au nom de leurs Majestez et des dits seigneurs Etatz Generaux respectivement, les articles suivans.

. . . . . .

14. Que leurs Majeztez ordonneront, que dans toutes les instructions aux capitaines de leurs vaisseaux de guerre destinés ou qui seront destinés pour convoyer les vaisseaux marchands par tout, et aussi qui iront de temps en temps aux Indes Occidentales, il soit inseré un article, leur enjoignant tres-expressément de proteger contre les insultes ou attaques de qui que ce soit les vaisseaux marchands appartenans a des sujets desdits Etats Generaux, qui suivront le même route que lesdits vaisseaux de guerre et desireront de se mettre sous leur protection, et qu'il y sera inseré un autre article enjoignant aussi tres expressement aux dits capitaines en cas que les plantations, colonies, ou autres etatz quelconques que lesdits Seigneurs Etatz Generaux possedent a present ou qu'ilz possederont à l'avenir dans les Indes Occidentales ayent besoin de secours pour se defendre contre les attaques ou insultes de leurs ennemis, qu'aussi tost qu'ilz en seront requis, ilz donneront toute aide et assistence pour la defense desdites plantations, colonies, ou autres etatz contre toutes les attaques ou insultes susdites, autant que l'etat des plantations, colonies, ou autres etatz de leurs Majestez le pourra permettre. Et lesdits Seigneurs Etatz Generaux ordonneront aussi, que dans toutes les instructions aux capitaines de leurs vaisseaux destinez ou qui seront destinez pour convoyer les vaisseaux marchands par tout, et aussÿ qui iront de temps en temps aux Indes Occidentales, il soit inseré de semblables articles, et tres expres tant à l'egard de la protection que les dits capitaines donneront aux vaisseaux marchands appartenans à des sujets de leurs Majestez, qu'à l'egard de l'aide et assistence qu'ils donneront pour la defense des plantations, colonies, ou autres etatz que leurs Majestez possedent a present, ou qu'elles possederont à l'avenir dans les Indes Occidentales: le tout dans la maniere et forme cy dessus prescrite.

15. Ce present traitté sera ratifié par leurs Majestés et lesdits Seigneurs Etatz Generaux et les ratifications seront èchangées dans l'espace de six semaines, si ce n'est qu'un traitté d'une alliance offensive et defensive entre leurs Majestez et lesdits Seigneurs Etatz Generaux soit conclu et signé avant l'expiration de ce terme. Au quel cas ce present traitté y sera compris et confirmé. Cependant lesdits commissaires et deputez sont convenus qu'on ne laissera pas de faire executer de part et d'autre tous et chacun des articles de ce traitte ponctuellement et de bonne foy, de même que si les ratifications etoient déjà èchangées.

Fait à Whitehall ce vingtneufvième jour d'Avril 1689. Étoit signé Nottingham, Carbery, Russel, N. Witsen, W. de Nassau, De Weede.

Si est ce qu'ayant pour agreable ladite convention en tous et un chacun de ses points, nous l'avons agrée, approuvée, et ratifiée, l'agreons, approuvons, et ratifions par ces presentes, promettant de garder, entretenir, et observer de nostre costé tout le contenu d'icelle, et de le faire garder, entretenir, et observer à tous et un chacun à qui il appartiendra. En foy de quoy nous avons fait signer les presentes par le president de nostre assemblée, contresigner par nostre greffier et y apposer notre cachet. Fait à la Haye le huitième de Juillet, mil six cens quatre vingt neuf.

Gis. Cuper v[idi]t.

Par ordonnance desdits Seigneurs Etats Generaux.

H. Fagel.

82.

Interim treaty between Brandenburg and Denmark in regard to the island of St. Thomas, concluded at Cöln on the Spree, April 11/21, 1692. Ratifying declaration by Denmark, April 23, 1692, included, together with treaty, in ratification by Brandenburg, May 3/13, 1692.

Introduction.

The different interpretation given by Danes and Brandenburgers to the treaty concluded at Copenhagen in 1685 with respect to St. Thomas [1] led to serious difficulties on that island. The Danish West India Company felt aggrieved by the success of the more enterprising Brandenburg African Company in developing a West Indian slave trade from its base on the Danish island. Moreover the Danish Company was disappointed by the failure of the Brandenburgers to establish on the island the plantation provided for by the treaty of 1685—a source from which the Danish Company had hoped to receive taxes, and other profits. The Danes held that the second article of the treaty of 1685 obligated the Brandenburg Company to create such a plantation. The Brandenburgers contended that they were merely entitled to establish it.[2]

The Elector of Brandenburg, Frederick III., complained to the King of Denmark, Christian V., in 1688, about the efforts of the governor of St. Thomas to compel the Brandenburgers to accept the Danish interpretation of the treaty. Two years later, the Danish vice-governor of the island, John Lorentz, acting in accordance with orders from the company's directors in Copenhagen, demanded 20,000 rixdollars from the Brandenburgers by way of land tax. When the Brandenburg Company refused payment, Lorentz and his council had the doors of the company's warehouse forced open, and the condemned goods, mostly sugar and cotton, appraised and seized. The Brandenburgers petitioned the elector for aid; and the latter requested the Danish government to recall Lorentz and punish the guilty. Having received further complaints against the Danes, especially of their threat to seize the Brandenburg slave ships, the elector instructed his envoy at the Danish court, De Falaiseau, together with councillor Von Worckum, to treat for the recall of Lorentz, for compensation, and for a settlement of the disputes relating to the cultivation of the land, quit-rent, and freedom for the Brandenburgers' trade.[3]

[1] See above, Doc. **78.**

[2] R. Schück, *Brandenburg-Preussens Kolonial-Politik,* I. 231; W. Westergaard, *Danish West Indies,* pp. 78-80.

[3] Westergaard, *op. cit.,* pp. 82-85; Schück, *op. cit.,* I. 231-232.

These negotiations at Copenhagen were unsuccessful; but the need of reciprocal aid during the war of the League of Augsburg brought the two governments together. In this war Brandenburg was a member of the Grand Alliance against Louis XIV.[4] Denmark vacillated between the two camps. In fulfillment of a treaty made with Great Britain in August, 1689,[5] Denmark had hired out Danish troops to William III.[6] But having been soon alienated from the sea-powers by their interference with neutral trade,[7] in 1691 she concluded a treaty with Sweden for the protection of their neutral commerce, and a secret treaty of neutrality with France.[8] In 1692, the King of Denmark hoped to procure soldiers from Brandenburg to recruit the Danish forces serving William III. in Flanders under the Duke of Württemberg. The elector at first demurred, on the ground that he himself had need of his men; but in a treaty concluded on April 8/18, he acceded to Denmark's wishes, while Christian V., on his side, pledged his aid to Brandenburg.[9] In these negotiations, which were conducted in Brandenburg, the question of recruiting Danish troops there was joined to the question of the disputes between Danes and Brandenburgers in the West Indies. With respect to both matters an interim treaty was signed at Cöln an der Spree on April 11/21, 1692. It included two articles dealing with the matter of recruiting. The remaining articles, printed below, refer to the troubles at St. Thomas. In regard to the latter, the treaty provided that the King of Denmark should assume all the claims that had been advanced by the Danish Company against its rival; and should order that the goods removed from the Brandenburg Company's warehouse, the confiscated slave ship, and any other detained effects should be restored or compensated for. As to the method of paying the compensation, fixed at 16,000 rixdollars, the Brandenburg Company proposed three alternatives, leaving the choice to the King of Denmark. The same company agreed to pay Denmark 3000 rixdollars annually for at least three years, in lieu of export and import duties. Two days after the signing of this treaty, the King of Denmark ratified it in an explicit declaration, and on May 3/13, 1692, the Elector of Brandenburg approved both the treaty and the Danish declaration, in the ratification printed below.

On June 10/20, a supplementary convention respecting these matters (printed below, as document 83) was signed by representatives of the two powers.

[4] The elector was admitted to membership by the treaty of Mar. 23, 1691. See Th. von Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), pp. 548-550. For his relations to foreign powers at this period, see A. Waddington, *Histoire de Prusse*, tom. II. (1922), ch. IV.

[5] H. C. de Reedtz, *Répertoire Historique et Chronologique des Traités conclus par la Couronne de Dannemarc* (1826), p. 146.

[6] In his *Account of Denmark as it was in the Year 1692* (1738), pp. 78, 79, Robert Molesworth declares that "Soldiers are . . . esteemed the riches of the Northern Kings, and other German princes. . . . So that at present soldiers are grown to be as saleable ware as sheep or oxen, and are as little concern'd when they are sold".

[7] J. Steenstrup, *et al., Danmarks Riges Historie* (1896-1902), IV. 659, 660.

[8] H. C. de Reedtz, *op. cit.*, pp. 148-152.

[9] This treaty, referred to in the first article of the treaty of Apr. 11/21, was not found by von Moerner. Th. von Moerner, *op. cit.*, p. 569, note.

Bibliography.

Text: MS. The original manuscript of the ratification by the Elector of Brandenburg, which includes the ratifying declaration by Denmark, of Apr. 23, 1692, as well as the treaty, is in the Rigsarkiv at Copenhagen. Originals of the treaty and declaration are also in the Staatsarchiv at Berlin.

Text: Printed. R. Schück, *Brandenburg-Preussens Kolonial-Politik* (1889), II. 398-405. Abstracts are in Th. von Moerner, *Kurbrandenburgs Staatsverträge vom 1601 bis 1700* (1867), pp. 569-571.

References: Later writings. R. Schück, *op. cit.*, I. 231-233; W. Westergaard, *The Danish West Indies* (1917), pp. 80-87.

Text.[10]

Wir, Friderich der Dritte, von Gottes gnaden marggraff zu Brandenburg, des Heyligen Römischen Reichs ertzcammerer und churfürst, in Preussen, zu Magdeburg, Cleve, Jülich, Berge, Stettin, Pommern, der Cassuben und Wenden, auch in Schlesien zu Crossen, und Schwiebuss hertzog, burggraff zu Nürnberg, fürst zu Halberstadt, Minden und Camin, graff zu Hohenzollern, der Marck und Ravensberg, herr zu Ravenstein und der lande Lauenburg und Butau, p. thun kundt hiemit, demnach sowoll wegen recruitirung der in den Spanischen Niederlanden jetzo sich befindenden Königlichen Dänischen trouppen, alss auch wegen der zwischen der Königlichen Dänischen West-Indischen und unseren Africanischen Compagnie, wegen des handels nach der insul St. Thomas ob schwebenden differentien zwischen ihrer Königlichen Mayestät von Dennemarck, Norwegen, und unseren darzu bevollmächtigten räthen und ministris unterm 11/21 Aprilis jüngsthin ein gewisser tractat aufgerichtet worden, welcher von wort zu wort also lautet:

Demnach ihre Königliche Mayestät zu Dennemarck, Norwegen, p. dero bey seiner Churfürstlichen Durchlaucht zu Brandenburg subsistirenden envoyé extraordinaire p. den von Haxthausen mit specialer vollmacht versehen, sowoll wegen recruitirung der in Flandern bey ihren Königlichen Mayestät in Engelandt armée jetzo stehenden Königlichen Dänischen trouppen, als auch über gewisse differentzien, so zwischen der Königlichen Dänischen West-Indischen und der Churfürstlichen Brandenburgischen Africanischen Compagnie, wegen des handels nach der insul St. Thomas entstanden, einen sichern vergleich mit höchstgedachter seiner Churfürstlicher Durchlaucht zu treffen, Und dan seine Churfürstliche Durchlaucht umb ihro Königliche Mayestät bey dieser gelegenheit ein wahres kennzeichen dero gegen dieselbe tragenden aufrichtigen affection und freundfetterlicher beständiger zuneigung zu geben, auf damit, vors künftige eine recht verträuliche intelligence und nähern zusammensetzung unter ihnen beyderseits möge gestiftet werden, zu solchem vergleich in beyden puncten sich gantz geneigt und willig befunden, auch dem zu folge, durch dero hierzu specialiter bevollmächtigte räthe und ministros mit vorgedachtem Königlichen Dänischen envoyé extraordinaire deshalb in handlung tretten lassen; alss haben sich dieselbe darüber folgender gestalt miteinander vereiniget:

. . . . . .

3. Soviel aber die zwischen der Königlichen Dänischen West-Indischen Compagnie an einem und der Churfürstlichen Brandenburgischen African-

[10] The text is taken from the ratification by the Elector of Brandenburg, in the Rigsarkiv at Copenhagen.

ischen Compagnie andererseits, wegen des handels nach der insul St. Thomas entstandene differentzien betrifft, desshalb hat man sich folgender gestalt miteinander vereiniget:

Weill der Königliche Dänische auf gedachter insul sich befindende gouverneur der Churfürstlichen Brandenburgischen Africanischen Compagnie eine quantität zucker und cattonen, nach inhalt der von derselben eingeschickten specification, wegnehmen lassen, auch noch gantz neulich dass schiff, die *Chur Printzesse* genandt, sambt demjenigen, was aus desselben nach bemeldter insul gebrachten schlaven-ladung gelöset worden, mit arrest beleget hat, umb sich daraus wegen des canonis von sicherer landt-cultur (worzu man sich aber an Brandenburgischer seite nicht verbunden erachtet) bezahlet zu machen;

So haben ihre Königliche Mayestät aus sonderbahrer vor seine[r] Churfürstlichen Durchlaucht tragender affection alle praetensiones, welche die Königliche Dänische Compagnie wegen gedachter land-cultur, und sonsten auf die Churbrandenburgische Compagnie bisher gemachet und formiret hat, umb allen ferner daraus befahrenden unwillen aufzuheben, über sich genommen, solcher gestalt, dass deshalb unter keinerley praetext an die Churfürstliche Brandenburgische Compagnie nun und nimmermehr nicht das allergeringste weiter gefordert, vielweniger ihre handlung nach erwehnter insul und sonst desswegen gesperret oder sonst einiger schade, hindernüs und aufenthalt ihr, ihren leuten, schiffen und gütern deshalb ferner zugefüget werden soll; und wollen ihre Königliche Mayestät danebst die ernstliche verfügung thun, dass die obgedachter Brandenburgischer Compagnie von dem Königlichen gouverneur weggenommene güter und waaren, in eadem qualitate et quantitate derselben restituiret, das vorbesagte schiff, die *Chur Printzess* auch, sambt dem provenu und desselben ladung, oder was sonsten an Brandenburgischen effecten angehalten seyn möchte, augenblicklich wieder lossgegeben werde. Und sollen die hierzu erforderte ordres in originali, sambt zweyen copiis authenticis der Brandenburgischen Africanischen Compagnie unverzüglich ausgestellet werden, damit sie selbige mit denen jetzo segelfertig liegenden schiffen, nach der insul St. Thomas fortsenden, und daselbst gebührend insinuiren lassen könne.

4. Damit aber hinkünftig zwischen oftbesagten beyden compagnien keine neue streitigkeiten erwachsen, sondern denenselben ein vor allemahl aus dem grunde abgeholfen werden möge, so soll desswegen mit dem ehesten ein näherer vergleich zwischen ihrer Königlichen Mayestät in Dennemarck und seiner Churfürstlichen Durchlaucht getroffen werden. Indessen aber hat sich der Königliche Dänische gouverneur, sambt übrigen Königlichen Dänischen bedienten auf besagter insul, aller praetension und anspruchs auf die Brandenburgische Compagnie zu enthalten, mit derselben und ihren auf St. Thomas sich befindenden, oder ferner alda anlangenden leuten, friedlich zu leben und ihrem commercio in keinerley weise hindernüs zuzufügen, wie dan auch seine Churfürstliche Durchlaucht die ihrige ebenfals dahin halten werden, dass sie dem Königlichen Dänischen gouverneur und anderen bedienten woll und friedlich begegnen sollen.

5. Damit auch kein zweifel, irrung oder aufenthalt bey der oben art'o 3'o stipulirten restitution und erstattung der aus den Brandenburgischen packhäusern, auf St. Thomas weggenommenen und nach Dennemarck verführten waaren, und welcher gestalt, nemblich durch was mittel und zu welcher zeit die Brandenburgisch Africanischen Compagnie deshalb eigentlich zu dedommagiren, entstehen möge; so hat zwar der Königliche Dänische minister der von Haxthausen contestiret, dass er wegen ermangelender genugsahmer instruction sich hierüber zu nichts gewisses engagiren könte, sondern davon

zuforderst referiren müste; an Churbrandenburgischer seite aber sind die drey folgende vorschläge desshalb geschehen:

Dass nemblich, entweder

(1.) Ihre Königliche Mayestät mit denen jetzo nach St. Thomas abgehenden Brandenburgischen schiffen solche anstalt und disposition machen möchten, damit den Chur-Brandenburgischen principal-bedienten auf der insul eine summe von sechszehentausend reichsthaler in stücken von achten, umb davor, anstatt der weggenommenen, dort in loco andern waaren einzukauften, baar erleget und bezahlet würden, oder aber

(2.) Dass ihre Königliche Mayestät vor sechszehen tausend reichstaler an holtz, vor den preiss, wie es in Norwegen gilt, zugleich auch ohne bezahlung einigen zolls und anderer imposten, den ersten, nahmens der Chur-Brandenburgischen Compagnie sich desshalb angebenden schiffern sofort und ohnengeltlich abfolgen, oder endlich,

(3.) Von denen auf der insul St. Thomas vorhandenen und der Dänischen Compagnie zustehenden schlaven, nach dortigen currenten preiss soviel in solutum überlassen möchten, woraus mehrerwehnte summe der sechszehen tausend reichsthaler zu einkaufung neuer waaren erfolgen könne, und hat man an Chur-Brandenburgischer seite ihrer Königlichen Mayestät von Dennemarck anheimb gegeben, was vor einen modum solutionis sie von diesen dreyen erwehlen wollen.

6. Weill aber die zwischen der Königlichen Dänischen West-Indischen und der Chur-Brandenburgisch-Africhanischen Compagnie entstandene differentien daher ihren anfang genommen, dass, wie bereits oben erwehnet, der Königliche Dänische Gouverneur auf St. Thomas die Brandenburgische Compagnie zu cultivirung gewisser landereyen und abstattung einer sehr hohen recognition davon, obligiren, die Churfürstliche Compagnie aber so wenig zu dem einen, als dem andern sich verstehen wollen, alss soll dieser punct auch in dem neuen tractat, welcher wegen der handlung nach St. Thomas zwischen ihro Königlichen Mayestät und seiner Churfürstlichen Durchlaucht aufgerichtet werden wird, nach billigkeit erörtert werden, und versehen sich seine Churfürstliche Durchlaucht dabey zu ihrer Königlichen Mayestät in Dennemarck, dass sie die Brandenburgische Compagnie in sothanem new aufzurichtendem vergleich von solcher cultur und canone entweder gar befreyen, oder ihr doch wenigstens keinen grösseren canonem, alss anderen ihren planteurs aufbürden; indessen aber und wenigsten auf eine zeit von drey jahr sich damit begnügen werden, wan die Chur-Brandenburgische Compagnie wegen ihrer auf und von St. Thomas führenden effecten, anstatt der droits d'entrée et sortie eines für alles an ihre Königliche Mayestät drey tausend reichsthaler banco, jährlich zu Hamburg zahlen lassen wird, solcher gestalt, dass alsdan von ihrer Königlichen Mayestät, dero West-Indischen Compagnie, dem Königlichen gouverneur auf St. Thomas, und anderen bedienten gantz keine weitere praetension, wie die nahmen haben und erdacht werden möchte, an die Brandenburgische Compagnie gemachet, vielweniger wehrender solcher drey jahre ihre schiffe und effecten einigerley weise genommen, angehalten, und molestiret werden sollen.

Und, gleichwie der Königliche Dänische minister, der von Haxthausen, von dem inhalt dieses und des vorhergehenden 5'to articuls an ihre Königlichen Mayestät favorabiliter zu referiren und nebst der ratification dieses recessus zugleich auch dero cathegorische resolution binnen zeit von drey wochen darüber auszuwürken versprochen, alss wird an Churfürstlicher Brandenburgischer seite dabey ausdrücklich conditioniret und ausbedungen, dass, im fall solche Königliche Dänische resolution seiner Churfürstlichen Durchlaucht desideriis nicht gemess und conform ausfallen solte, dieselbe

auch an dasjenige, was sie wegen recruitirung der Dänischen in Flandern [stehenden trouppen] oben art'o 1'o dieses tractats, und in dem deshalb absonderlich aufgerichtetem vergleich versprochen, keines weges ferner gebunden seyn wollen.

Des zu urkundt haben beyder höchsten herren contrahenten darzu bevollmächtigte räthe und ministri dieses eigenhändig unterschrieben und mit ihren pittschaften versiegelt, und soll die ratification von ihrer Königlichen Mayestät und seiner Churfürstlichen Durchlaucht darüber innerhalb drey wochen a dato, oder eher, wo es möglich, ausgeliefert werden. So geschehen und gegeben zu Cölln an der Spree den 11/21 Aprilis 1692.

DE HAXTHAUSEN. P. V. FUCHS. E. V. DANCKELMAN.

Und dan nachgehends höchsterwehnte ihre Königliche Mayestät in Dennemarck über die in solchem tractat, wegen der sache von St. Thomas zu dero näheren resolution ausgestellte puncta folgende declaration unterm dato des 23. Aprilis jüngsthin ertheilet, welche declaration eben falls von wort hiernach folget:

Wir Christian der Fünfte, von Gottes gnaden König zu Dennemarck, Norwegen, der Wenden und Gothen, hertzog zu Schleswig, Hollstein, Stormarn, und der Dithmarschen, graff zu Oldenburg undt Delmenhorst, p., thun kundt hiemit, alss in einem von unserm, bey des Churfürsten zu Brandenburg Durchlaucht und Löblichkeit subsistirenden envoyé extra-ordinaire, dem von Haxthausen, mit denen ihme zugeordneten Churfürstlichen räthen und ministris den 11/21 dieses aufgerichteten recess von demselben theils in unserm nahmen bereits zugesaget und versprochen, theils ad referendum übernommen worden.

. . . . . .

2. Dass wir alle praetensiones, welche unsere Westindische Compagnie, wegen gewisser land-cultur und sonsten auf die Churbrandenburgische Africanische, nach unser insul St. Thomas negotiirende compagnie bisshero gemachet und formiret, umb alle fernere verdriessligkeiten aufzuheben, über uns zu nehmen erbietig, solcher gestalt dass deshalben unter keinerley praetext, an die Churfürstliche Brandenburgische Compagnie nun und nimmermehr das allergeringste weiter nicht gefordert, viel weniger ihre handlung nach erwehnter insul und sonsten desswegen gesperret oder sonst einiger schade, hindernüss und aufenthalt, ihr, ihren leuten, schiffen und gütern deshalben ferner zugefüget werden solle.

3. Dass wir danebst die ernstliche verfügung thun wolten, dass die obgedachter Churbrandenburgischer Compagnie von unserm gouverneur auf St. Thomas weggenommene güter und waaren in eadem qualitate et quantitate derselben restituiret, das schiff, die *Chur-Printzessin* gennandt, sambt dem provenu und desselben ladung, oder was sonst an Brandenburgischen effecten, angehalten seyn möchte, augenblicklich wieder lossgegeben, und die hierzu erforderte ordres in originali, sambt zweyen copiis authenticis der Brandenburgischen Africanischen Compagnie unverzüglich ausgestellet werden solten, damit sie selbige mit denen jetzo segelfertig liegenden schiffen, nach unser insul St. Thomas fortsenden, und daselbst gebührend insinuiren lassen könne; da auch keine, oder nicht so viel güter und waaren daselbst zu bekommen seyn möchten, dass die völlige restitution der weggenommenen vorbesagter massen in natura geschehen könne, dass wir mit jetzterwehnten nach St. Thomas abgehenden Brandenburgischen schiffen solche anstalt und disposition machen wolten, dass den Chur-Brandenburgischen principal-bedienten auf der insul, der abgang, entweder mit anderen der Churbrandenburgischen Compagnie

anständlichen waaren, nach dortigen landespreiss, oder auch mit baaren gelde in stücken von achten erstattet, und zwar, wie für das gantze quantum der weggenommenen waaren 16000 reichsthaler stipuliret worden, also darnach die zahlung dessen, so nicht in waaren kan geliefert werden, proportioniret wurde.

4. Damit auch hinkünftig zwischen beyden compagnien keine newe streitigkeiten erwachsen, sondern denenselben ein vor allemahl aus dem grunde abgeholffen werden möge dass desswegen mit dem ersten ein näherer vergleich zwischen uns und ihrer Durchlaucht und Löblichkeit getroffen werden, indessen aber sich unser gouverneur, sambt übrigen unseren bedienten auf besagter insul, aller praetension und anspruchs auf die Brandenburgische Compagnie enthalten, und wie ihre Durchlaucht und Löblichkeit die ihrige dahin anweisen wollen, dass sie ermeldten unsern gouverneur und andern bedienten woll und friedlich begegnen sollen, also die unserige auch mit derselben und ihren auf St. Thomas sich befinden, den, oder ferner alda anlangenden leuten, gleichfals friedlich leben, und ihrem commercio in keinerley weise einige hindernüss zufügen sollen.

5. Sodan, dass die zwischen oftgemeldten beyden compagnien, wegen gewisser landt-cultur, und desfals ab seiten der unserigen, von der Churbrandenburgischen praetendirten recognition entstandene differentien, in dem bevorstehende newen tractat, nach billigkeit erörtert, indessen aber, und biss auf eine zeit von 3. jahren, dafern nicht inzwischen solcher newe tractat zum stande gebracht werden solte, von der Churbrandenburgischen Compagnie, wegen ihrer auf und von St. Thomas führenden effecten, anstatt der droits d'entrée et sortie eines für alles, nicht mehr als drey tausend reichsthaler in banco, an unsere West Indische Compagnie in der stadt Hamburg jährlich erleget, und wan die zahlung solcher gestalt richtig erfolget an oftbesagte Churbrandenburgische Compagnie gantz keine weitere praetension, wie die nahmen haben und erdacht werden möchte, gemachet, vielweniger, wehrender solcher drey jahren ihre schiffe und effecten, einigerley weise genommen, angehalten und molestiret werden sollen.

Dass wir zu bezeugung unserer des Churfürsten (*sic*) Durchlaucht und Löblichkeit zutragenden besondern freund-, vetter-, schwäger-, und vaterlichen affection angeregten recess in allen seinen articulen und inhaltungen approbiret und bestätiget, gestalt wir denselben hiemit approbiren und bestätigen, bey königliche worten versprechend, dass demjenigen, so darinn stipuliret, auch unserntwegen zugesaget und versprochen werden, getreulich nachgelebet, und solchem von uns oder den unserigen, weder jetzt noch künftig in keine wege entgegen gehandelt werden solle. Wobey wir jedoch dieses anzufügen und zu bedingen für nöthig gehalten, dass, nachdem der terminus, wan die articulo 5'to angeführte drey tausend reichsthaler recognitions-gelder abgeführet werden sollen, nicht determiniret, solcher von dato dieser ratification seinen anfang nehmen, und die zahlung von sechs monathen zu sechs monathen an denjenigen, so unsere West-Indische Compagnie darzu in Hamburg committiren wird, geschehen solle; dafern aber von der Churbrandenburgischen Africanischen Compagnie von die droits d'entrée et sortie etwas zwischen dem dato dieser ratification, und der zeit, dass selbige auf St. Thomas wird bekandt gemachet seyn, bezahlet wehre, soll solches, so weit es durch unsers dortigen gouverneurs quitung bescheiniget wird, in dem ersten termin der jährlichen recognition der 3000 reichsthaler decourtiret werden. Uhrkundtlich unter unserm Königlichen handzeichen und fürgedrücktem insiegel. Geben auf unser residentz zu Copenhagen, den 23. Aprilis 1692.

CHRISTIAN.

J. B. VON JESSEN.

Dass wir nicht allein obinserirten tractat vom 11/21 Aprilis a. c. in allen seinen puncten, clausulen, und articulen approbiret, ratificiret, und genehm halten haben, approbiren und ratificiren auch denselben hiemit und versprechen, dasjenige, so in solchem recess sowoll wegen recruitirung der Königlichen Dänischen in Niederland stehenden trouppen, alss auch wegen der sache von St. Thomas unserer seits versprechen werden getreulich zu erfüllen, sondern wir acceptiren auch die obstehende Königliche Dänische, wegen des handels nach St. Thomas ertheilte, declaration bester und beständigster massen, alles ihres inhalts, nur dass dasjenige, so in solcher Königlichen Dänischen declaration articulo 3. wegen bezahlung der verglichenen sechszehen tausend reichsthaler und articulo 5'to wegen der land-cultur auf St. Thomas erwehnet wird, durch einen neben-recess in etwas erläutert und anders eingerichtet werde, alles mehrern inhalts derjenigen instruction, welche wir unserm hof- und legationsrath und envoyé extra-ordinaire am Königlichem Dänischem hofe, dem von Falaiseau deshalb ertheilet haben. Uhrkundtlich unter unserer eigenhändigen unterschrift und aufgedrückten insiegel. So gegeben zu Cölln an der Spree den 3/13 May 1692.

FRIEDRICH.

TRANSLATION.

We, Frederick the Third, by God's grace margrave of Brandenburg, archchamberlain and elector of the Holy Roman Empire, duke in Prussia, of Magdeburg, Cleves, Jülich, Bergen, Stettin, Pomerania, of the Cashubes and Wendes, and in Silesia, of Crossen and Schwiebus, burgrave of Nuremberg, prince of Halberstadt, Minden, and Cammin, count of Hohenzollern, of the Mark and Ravensberg, lord of Ravenstein and of the country of Lauenburg and Bütow, etc.—hereby make known that whereas, both in regard to the recruiting of the royal Danish troops now in the Spanish Netherlands, and also in regard to the differences pending between the Royal Danish West India Company and our African Company respecting the trade to the island of St. Thomas, a certain treaty has recently been drawn up between the councillors and ministers of his Royal Majesty of Denmark and Norway, fully-empowered therefor, and our own, under the date of April 21, 1692, which, word for word, reads as follows:

Whereas his Royal Majesty of Denmark, Norway, etc., has provided von Haxthausen, his present envoy extraordinary etc., to his Electoral Highness of Brandenburg, with special full powers to make a firm agreement with his aforesaid Electoral Highness, both in regard to recruiting the royal Danish troops, now in Flanders with the army of his Royal Majesty of England, and also in regard to certain differences that have arisen between the Royal Danish West India Company and the Elector of Brandenburg's African Company respecting the trade to the island of St. Thomas; and whereas his Electoral Highness, in order on this occasion to give his Royal Highness a true sign of his sincere affection for him and of his lasting cousinly attachment, so that for the future a very intimate understanding and closer connection may be mutually established between them, has also been entirely disposed and ready for such an agreement on both points, and consequently, through his councillors and ministers especially empowered therefor, entered into negotiations to that end with the aforesaid royal Danish envoy extraordinary,—they have mutually agreed thereupon in the following manner:

. . . . . .

3. With regard to the differences about the trade to the island of St. Thomas that have arisen between the Royal Danish West India Company on the one hand, and the Elector of Brandenburg's African Company on the other hand, it has been mutually agreed as follows:

Whereas the royal Danish governor stationed on the said island caused the removal of a quantity of sugar and cotton belonging to the Elector of Brandenburg's African Company, according to the detailed statement presented by the said company, and also, quite lately, has arrested the ship named the *Electoral Princess* together with what had been discharged of the cargo of slaves that she had brought to the said island, in order to pay himself out of it for the quit-rent from the cultivation of certain land which the Brandenburgers did not consider themselves bound to cultivate, therefore his Royal Majesty, out of the special affection that he bears his Electoral Highness and in order to prevent any further annoyance being feared therefrom, has assumed all the claims that the Royal Danish Company has hitherto made and formed against the Elector of Brandenburg's Company on account of the aforesaid land-cultivation and other matters, so that not the slightest further demand shall be made upon the Elector of Brandenburg's Company on this account under any pretense, now or ever—much less shall the Company's trade to the said island and elsewhere be hindered in consequence, or it, its people, ships, or goods be subjected further on this account to any other injury, obstruction, or stoppage. At the same time his Royal Majesty will give strict orders that the aforesaid Brandenburg Company's goods and wares, removed by the royal governor, shall be restored to the Company in the same quality and quantity, and also that the aforesaid ship, the *Electoral Princess,* together with the proceeds and its cargo, or whatever other Brandenburg effects may be detained, shall be immediately released. Moreover, the orders required for this shall be given at once to the Brandenburg African Company in the original together with two authentic copies, so that the company may have them sent out to the island of St. Thomas by the ships now lying ready to sail, and there duly delivered.

4. But in order that no new disputes may arise in future between the two oft-mentioned companies, but that these may be redressed once for all and completely, a closer agreement shall be made for that purpose as soon as possible, between his Royal Majesty of Denmark and his Electoral Highness. Meanwhile the royal Danish governor and the rest of the royal Danish servants on the said island, are to abstain from all pretensions and claims against the Brandenburg Company. They are to live in peace with the company and with its people who are now on St. Thomas, or who shall arrive there hereafter, and they are not in any way to hinder their commerce. His Electoral Highness, likewise, will oblige his people to treat the royal Danish governor and the other Danish servants well and peaceably.

5. In order also that there may be no doubt, dispute, or delay in regard to the restitution and compensation (stipulated in the above third article) for the goods taken out of the warehouses on St. Thomas and transported to Denmark, and in regard to the manner, *i. e.* the means and time, of properly compensating the Brandenburg African Company on this account, the royal Danish minister von Haxthausen has contended that on account of his lack of sufficient instructions he could not bind himself to anything positive about it, but must first refer the matter back. On the Elector of Brandenburg's side, however, the three following proposals have been made.

That either (1) his Royal Majesty might make such provision and arrangement with the Brandenburg ships now departing for St. Thomas, that a sum

of 16,000 rixdollars in pieces of eight would be paid down in ready money to the Elector of Brandenburg's principal servants on the island, in order to buy there on the spot other wares in place of those that were confiscated; or, (2) that his Royal Majesty consign immediately and gratuitously to the first ships designated therefor in the name of the Elector of Brandenburg's Company, 16,000 rixdollars' worth of wood at the price it sells for in Norway, at the same time, and without payment of any toll or other impost; or, finally, (3) of the slaves on the island of St. Thomas, belonging to the Danish company, so many might be made over, in payment, according to the price current there, as to make up the aforesaid sum of 16,000 rixdollars for the purchase of new wares. On the part of the Elector of Brandenburg the choice of one of these three methods of payment was left to his Royal Majesty of Denmark.

6. But since the differences that have arisen between the Royal Danish West India Company and the Elector of Brandenburg's African Company have originated from the fact that, as already mentioned, the royal Danish governor on St. Thomas wishes to oblige the Brandenburg Company to cultivate certain lands, and pay a very high recognition for them, but the Elector's Company will agree as little to the one as to the other—this point shall be settled, in accordance with justice, in the new treaty to be concluded between his Royal Majesty and his Electoral Highness in respect to the trade to St. Thomas. Moreover his Electoral Highness expects of his Royal Majesty of Denmark in this new agreement which is to be made that his Royal Majesty will either entirely free the Brandenburg Company from such cultivation and quit-rent, or at least will not impose any greater quit-rent upon it than upon his other planters.

Meanwhile, and for a period of at least three years, his Royal Majesty will be satisfied if the Elector of Brandenburg's Company shall cause 3000 rixdollars banco to be paid to his Royal Majesty, once for all, yearly, at Hamburg, instead of the import and export duties, on the company's effects carried to and from St. Thomas; so that then no further claim whatever, however named or devised, shall be made upon the Brandenburg Company by his Royal Majesty, by his West India Company, by the royal governor at St. Thomas, and by other servants; much less shall its ships and effects during the said three years be in any way seized, stopped, and tampered with, and just as the royal Danish minister, von Haxthausen, has promised to report favorably to his Royal Majesty on the contents of this and of the foregoing fifth article, and within the period of three weeks to procure the ratification of this recess and his Majesty's categorical resolution respecting it, so it is expressly conditioned and stipulated on the part of the Elector of Brandenburg that in case the King of Denmark's resolution should not prove to agree and conform with the wishes of his Electoral Highness, the latter shall in no way be further bound by what he has promised in the first article of this treaty and in the separate agreement, in regard to recruiting the Danish troops in Flanders.

In witness whereof, the councillors and ministers of both the aforesaid high contracting lords, being fully empowered for that purpose, have subscribed this with their own hands, and sealed it with their seals; and the ratification of it by his Royal Majesty and by his Electoral Highness shall be delivered within three weeks from its date, or earlier if possible.

So done and given at Cöln-an-der-Spree on April 21, 1692.

DE HAXTHAUSEN. P. V. FUCHS. E. V. DANCKELMAN.

And afterwards, moreover, his aforesaid Royal Majesty of Denmark has lately given the following declaration, under date of April 23, regarding the points left to his more explicit resolution in the treaty about the affair of St. Thomas. This declaration likewise follows, word for word, hereafter:

We, Christian the Fifth, by God's grace king of Denmark, Norway, of the Wends and Goths, duke of Sleswick, Holstein, Stormarn, and Ditmarsh, count of Oldenburg and Delmenhorst, etc., hereby make known (as already in part agreed to and promised in our name, and in part accepted *ad referendum* in a recess contracted on the 11/21 instant between our envoy extraordinary, Von Haxthausen—resident with his Serene Highness, the Elector of Brandenburg—and the electoral councillors and ministers associated with him):

. . . . . .

2. That we are willing to assume all claims in regard to certain land-cultivation and other matters, hitherto made and formed by our West India Company against the Elector of Brandenburg's African Company, trading to our island of St. Thomas, in order to end all further trouble, so that not the slightest further demand shall be made on this account under any pretense now or ever, upon the Elector of Brandenburg's Company; much less shall its trade to the said island and elsewhere be hindered in consequence, or any other injury, obstruction, or stoppage, be caused in the future to the company or its people, ships, and goods, on this account.

3. That we, moreover, shall give strict orders that the goods and wares of the aforesaid Elector of Brandenburg's Company, removed by our governor at St. Thomas, shall be restored to the company in the same quality and quantity, and the ship, named the *Electoral Princess,* together with the proceeds from it and its cargo, or whatever other Brandenburg effects may be detained, shall be immediately released. The orders required for this shall be given at once to the Brandenburg African Company in the original together with two authentic copies, so that the company may have them sent out to the island of St. Thomas by the ships now lying ready to sail, and there duly delivered. But since it might not be possible to obtain there any goods or wares, or not enough of them, to make complete restitution in kind of the aforesaid confiscated goods, that we would make such plans and arrangements with the aforesaid Brandenburg ships departing for St. Thomas, that the deficiency would be made up to the chief servants of the Elector of Brandenburg on the island, either by other wares suitable for the Elector of Brandenburg's Company, according to the prices of that country, or by cash, in pieces of eight; and since 16,000 rixdollars were stipulated for the whole quantity of the confiscated wares, the payment for what cannot be delivered in goods would be in proportion to that sum.

4. In order that no new disputes may arise hereafter between the two companies, but that these may be once for all and completely redressed, for this purpose a closer agreement shall be made as soon as possible, between us and his Serene Highness. Meanwhile, however, our governor and the rest of our servants on the said islands are to abstain from all pretensions and claims upon the Brandenburg Company; and just as his Serene Highness will order his people there to treat our said governor and other servants well and peaceably, so our people also shall likewise live in peace with the company and its people now on St. Thomas, or who shall arrive there later; and they shall not in any way obstruct their commerce.

5. Furthermore, that the disputes that have arisen between the aforesaid two companies regarding the cultivation of certain land and the recognition for it, claimed on our part from the Elector of Brandenburg, are to be settled equitably in the new forthcoming treaty. But meanwhile, and for a period of three years—provided that in the meantime no such new treaty should be concluded—not more than 3000 rixdollars *banco* should be paid yearly, in the city of Hamburg, by the Elector of Brandenburg's Company to our West India India Company, instead of import and export duties on the Brandenburg Company's effects carried to and from St. Thomas. And if full payment is made in this manner by the Elector of Brandenburg's Company, no further claim whatever, however named or devised, shall be put forward. Much less, shall the Company's ships and effects be in any way seized, arrested, or tampered with, during these three years.

We, in testimony of the especial affection (as of a friend, cousin, brother-in-law, and father), that we bear to his Electoral Serene Highness, have approved and confirmed the proposed recess in all its articles and contents, as we do hereby approve and confirm the same, promising on our royal word, that what is stipulated therein shall also be promised and pledged on our part, faithfully lived up to, and not contravened by us or ours in any way, either now or hereafter. Besides this we deem it necessary to add and stipulate that as the term for paying the 3000 rixdollars recognition-money referred to in article 5 is not set, it shall begin fom the date of this ratification, and payments shall be made at intervals of six months to whomever our West India Company appoints for that purpose in Hamburg. In case, however, that some part of the import and export duties should be paid by the Elector of Brandenburg's African Company between the date of this ratification and the time that it is made known at St. Thomas, this payment, in so far as it is vouched for by the quittance of our governor there, shall be deducted in the first term from the yearly recognition payment of 3000 rixdollars.

Witnessed under our royal hand and the impress of our seal. Given at our residence at Copenhagen on April 23, 1692.

CHRISTIAN.

J. B. VON JESSEN.

We have not only approved, ratified and accepted the above treaty of April 11/21, of the current year, in all of its points, clauses, and articles, and do hereby approve and ratify the same, and promise to fulfill faithfully what is promised on our part in that recess, both in regard to recruiting the royal Danish troops in the Netherlands, and in regard to the St. Thomas affair, but we also accept the above declaration given by the Danish king in respect to the trade of St. Thomas in the best and surest manner. [We accept] all of its contents; but what is said in the third article of the royal Danish declaration in regard to the payment of the sixteen thousand rixdollars agreed on, and in the fifth article in regard to the cultivation of land on St. Thomas, will be to some extent explained and differently arranged in an additional recess.

All of the more detailed instructions regarding this, we have given to our court- and legation-councillor and envoy extraordinary to the royal Danish court, von Falaiseau.

Witnessed under our own signature, and the impress of our seal, thus given at Cöln an der Spree, May 3/13, 1692.

FREDERICK.

83.

Recess supplementary to the interim treaty of April 11/21, 1692, signed by the commissioners of Denmark and Brandenburg at Copenhagen, on June 10/20, 1692.

Introduction.

The Elector of Brandenburg considered the payment of the indemnity of 16,000 rixdollars insufficiently secured to his subjects by the third article of the Danish declaration of April 23, 1692.[1] He also seems to have been dissatisfied with the existing agreement regarding the cultivation of land by the Brandenburgers on St. Thomas. The recess printed below supplements the earlier conventions in respect to these two matters.

Bibliography.

Text: MS. The original signed by the Brandenburg commissioner is in the Rigsarkiv at Copenhagen. The original signed by the Danish commissioners is in the Staatsarchiv at Berlin.

Text: Printed. R. Schück, *Brandenburg-Preussens Kolonial-Politik unter dem Grossen Kurfürsten* (1889), pp. 405-407; abstract in Th. von Moerner, *Kurbrandenburgs Staatsverträge von 1601 bis 1700* (1867), pp. 571-572. The text will doubtless be included in L. Laursen, *Traités du Danemark et de la Norvège: Danmark-Norges Traktater, 1523-1750* (1907, etc.).

References: Later writings. Th. von Moerner, *op. cit.*, p. 571, and see Doc. **82**, bibliography.

Text.[2]

Demnach ihro Königliche Mayestät zu Dennmarck, Norwegen p. in dem mit seiner Churfürstlichen Durchlaucht zu Brandenburg, wegen der insul St. Thomas, unterm 11/21 Aprilis dieses jahres aufgerichteten, und von ihrer Königlichen Mayestät unterm 23. gedachtes monaths ratificirten vergleich sich unter andern dahin verglichen, dass seiner Churfürstlichen Durchlaucht Africanischen auf St. Thomas privilegirten Compagnie, wegen der deroselben auf ermelter insull von dem Königlichen Dänischen vice-gouverneurn ohnlängst, wegen gewisser land-cultur und davon geforderten recognition, weggenommenen gühter und effecten behörige indemnisation und satisfaction bis zur summa von sechzehentausend reichsthaler gegeben werden soll; als ist der in bemelter Königlichen Dänischen ratification art. 3 wegen abführung solcher sechszehentausend reichsthaler gesetzte modus solutionis vermittelst dieses neben recessus folgender gestalt erläutert worden:

Wan ihro Königlicher Mayestät West-indische Compagnie die vorgedachte summa der sechszehentausend reichsthaler in einer monatsfrist, nach anlandung

[1] See above, pp. 339-340, 344.

[2] The text is from the original preserved in the Rigsarkiv at Copenhagen.

der Churfürstlichen Brandenburgischen Privilegirten schiffe auf St. Thomas, nebst überlieferung ihrer Königlichen Mayestät ordre an dero jetzigen dortigen vice-gouverneurn zur vorgedachten bezahlung, wieder vermuhten, nicht völlig oder auch gar nicht, es sey mit gelde oder wahren, nachdem dorten im land gangbahren preyss, bezahlen würden, auf solchem fall wollen ihre Königliche Mayestät die ermangelnde bezahlung auf sich nehmen, in Hamburg prompto ohne fernere weitläuftigkeit mit stück von achten oder creüzthalern, bahr zu erlegen, und zwar sechs wochen nach dem tage, das ihre Königliche Mayestät wirdt declariret und durch des vice-gouverneurn handt, welcher dazu in ihrer Königlichen Mayestät rescript angewiesen, und dessfalls behörigen schein innerhalb ein monathsfrist auszustellen befehliget werd[en] soll, dargethan und erwiesen sein, dass die Chur-Brandenburgische Privilegirte von ermelten ihrer Königlichen Mayestät vice-gouverneurn, vor alles oder zum theil wegen obbenandter summe der sechszehentausend reichsthaler nicht bezahlet werden können, oder bezahlet worden: Da aber der vice-gouverneur vorberührten schein in der bestimbten zeit nicht extradiren würde, soll er zu allen schaden, so den Chur-Brandenburgischen Privilegirten daraus erwachsen möchte, zu antworten schuldig und gehalten sein. Solte aber mehr bemelter vice-gouverneur gantz oder zum theile die Chur-Brandenburgische Privilegirte für ofterwehnte summe, es sey mit baar geld, oder durch tüchtige wahren, nach dem dortigen landes-preyss, in besagter monathsfrist zu bezahlen, offeriren, selbige aber solche zahlung nicht annehmen wollen, haben sie sich den dadurch erleidenden schaden selbsten zu imputiren.

Ferner lassen zwar ihro Königliche Mayestät zu Dennemarck p. den punct wegen der zwischen der Königlichen Dänischen Compagnie und den Chur-Brandenburgischen Privilegirten, streitigen land-cultur, bis zu aufrichtung des haubt-vergleichs, welcher unter gedachten beiden compagnien mit dem förderlichsten getroffen werden soll, ausgestellet sein: Gleichwie aber ihre Königliche Mayestät durch obberührte dero declaration bewilliget, dass in den nachstfolgenden dreyen jahren die Chur-Brandenburgische Privilegirte von ihrer handlung nach St. Thomas mehr nicht als dreytausend reichsthaler in allem entrichten sollen, alss wird hiemit ferner declariret, dass, ob zwar die Chur-Brandenburgische Privilegirte keinesweges schüldig seindt, wehrender solcher dreyen jahren, einige landereyen auf der insul St. Thomas zu cultiviren und zu bebauen, ihnen doch solches, wan es ihnen also gefält, frey und unverwehret sein solle, plantagien aufzunehmen und zu cultiviren, keines weges aber die von andern angenommenen auszuhandln oder zu gebrauchen. Und haben solchen falls die Chur-Brandenburgische Privilegirte, daferne sie plantagien zu cultiviren belieben tragen möchten, keinen grössern canonem, alss andere planteurs, zeit wehrender solcher dreyen jahren zu entrichten, welcher canon den in gewissen terminen, wie von andern dort befindtlichen planteurs geschiehet, alle jahr, ohne verwendung von freyen-jahren oder dergleichen, richtig bezahlet werden soll.

Nach verfliesung solcher drey jahren aber, haben sich die Chur-Brandenburgische Privilegirte, solcher plantagien nicht weiter zu gebrauchen, es were den, dass man beiderseits sich darüber ferner vergleichen möchte.

Im übrigen bleibet es bey obged achtem tractat vom 11/12'ten April und der Königlichen Dänischen darüber ausgestelten declaration vom 23. April anni currentis in allen puncten unveränderlich. So geschehen Coppenhagen, den 10. Junii 1692.

DE FALAISEAU.

TRANSLATION.

Whereas in the convention regarding the island of St. Thomas, concluded with his Electoral Highness of Brandenburg on April 11/21 of this year, and ratified by his Royal Majesty on the twenty-third of the said month, his Royal Majesty of Denmark, Norway, etc., agreed among other things that his Electoral Highness's African Company with privileges at St. Thomas shall be given due indemnity and satisfaction to the amount of 16,000 rixdollars, for its goods and effects on the said island, recently removed by the royal Danish vice-governor on account of the question of the cultivation of certain land and the recognition demanded for it—the mode of payment stipulated in article 3 of the aforesaid King of Denmark's ratification, in regard to the payment of the 16,000 rixdollars, has been explained by means of this supplementary recess, in the following manner:

If, contrary to expectation, his Royal Majesty's West India Company should not pay the aforesaid sum of 16,000 rixdollars completely, or at all, either in money or in goods, according to the prices prevalent or current in the country, within a month after the arrival at St. Thomas of the Elector of Brandenburg's privileged ships, and the delivery of his Royal Majesty's orders to his vice-governor now there, for the aforesaid payment, in that case his Royal Majesty will undertake to pay the deficit in case, in Hamburg, promptly and without further difficulty, in pieces of eight or *kreuzthaler*. His Royal Majesty will pay it in six weeks after the day that his Royal Majesty shall have declared that it is proved and demonstrated (and that by the hand of the vice-governor, who shall be instructed thereto in his Royal Majesty's rescript, and shall be ordered to draw up within a month the necessary certificate) that the Elector of Brandenburg's concessionaries cannot be paid, or were not paid, by the said vice-governor of his Royal Majesty, in whole or in part, in respect of the aforesaid sum of 16,000 rixdollars. But if the vice-governor should not deliver the above-mentioned certificate at the appointed time, he shall be liable and obliged to answer for all losses that the Elector of Brandenburg's concessionaries may sustain therefrom. But if, within the period of a month, the aforesaid vice-governor should offer to pay the Elector of Brandenburg's concessionaries for the aforesaid sum, in whole or in part, in cash, or in suitable wares, according to the prices in that country, but the concessionaries should not accept this payment, then they must blame themselves for the losses suffered thereby.

Furthermore, his Royal Majesty of Denmark, etc., leaves the question of the cultivation of certain land in dispute between the Royal Danish Company and the Elector of Brandenburg's concessionaries to be deferred until the conclusion of the principal treaty, which will be signed as speedily as possible between the said two companies. But just as his Royal Majesty grants, by his aforesaid declaration, that in the three years next following the Elector of Brandenburg's concessionaries shall not pay more than 3000 rixdollars in all for their trade to St. Thomas, so it is hereby further declared that, although the Elector of Brandenburg's concessionaries are in no way bound during these three years to cultivate and improve any lands on the island of St. Thomas, yet, if they wish, they shall be allowed and permitted to undertake and cultivate such a plantation, but by no means to trade in or use those undertaken by others. And in that case the Elector of Brandenburg's concessionaries, provided they should wish to cultivate plantations, will not have

to pay any larger quit-rent than other planters during the period of these three years. This quit-rent, then, shall be paid regularly at certain terms, as it is paid by other planters there, every year, without making use of years of immunity, or the like.

After the lapse of these three years, however, the Elector of Brandenburg's concessionaries shall have no further use of these plantations, unless a further agreement respecting the matter should be made by both sides.

For the rest, the aforesaid treaty of April 11/21, and the declaration issued by the Danish king regarding it, on April 23 of the current year, remain in all points unchanged.

Done at Copenhagen, June 10, 1692.

DE FALAISEAU.

84.

Treaty of peace between Great Britain and France, concluded at Ryswyk, September 10/20, 1697. Ratification by France, October 3, 1697. [Ratification by William III., king of England, at Loo, September 25, 1697.][1]

INTRODUCTION.

The agreement between Great Britain and the United Provinces for equipping a fleet against France[2] was quickly followed, on May 7/17, 1689, by Great Britain's declaration of war against Louis XIV.[3] The reasons for this declaration, as given in the document itself, included not only allegations against the French king in Europe—his invasion of Imperial territory, devastation of the Palatinate, declaration of war against the allies of William III., persecution of English Protestants in France, and action in Ireland—they embraced also the misdeeds of the French in the New World—their encroachments in Newfoundland, invasion of the West Indies and of the provinces of New York and Hudson Bay at the very time when French envoys were negotiating a treaty of neutrality in England,[4] and Louis's countenancing of the seizure of English ships by French privateers. Taken in connection with Louis's prohibition of importation into France of a great part of English products and manufactures, and with the exorbitant customs that he levied on the rest, his conduct was deemed to show a determination to destroy the trade and navigation upon which England's wealth and safety largely depended.[5]

The story of the war of the League of Augsburg in Europe need not be retold here.

Owing to his high-handed aggressions, Louis XIV. was surrounded by foes—the Emperor and some of the princes of the Empire, the Dutch, English, Spaniards, and Savoyards. Nevertheless Louis was able to carry on the war on enemies' soil beyond the northern, eastern, and southern frontiers of France, and in Ireland. On the sea, at the outbreak of the war, the maritime strength of the French surpassed that of the English and Dutch com-

[1] Another ratification by William III., with promise to invite the King of Spain and the States General to ratify the treaty, was signed on Sept. 21, 1697. It did not include the articles of the treaty. H. Vast, *Les Grands Traités du Règne de Louis XIV.*, vol. II., p. 169.

[2] See above, Doc. **81.**

[3] *London Gazette,* no. 2452, May 9 to 13, 1689, and *General Collection of Treatys,* I. 281, where the date is wrong.

[4] See above, Doc. **79.**

[5] Likewise the States General's declaration of war against France alleged that Louis XIV. had troubled Dutch navigation and commerce in every way, both within and without Europe. Dumont, *Corps Diplomatique,* tom. VII., pt. II., pp. 213-220; *General Collection of Treatys,* I. 256 ff.

bined. But after the defeat of the French in the battle of La Hogue, May-June, 1692, their maritime operations were largely confined to coast defense and commerce-destroying.[6]

Theoretically, the treaty of neutrality of 1686[7] and the agreement of the following year[8] remained, like other treaties, in force after the Revolution, and should have prevented the spread of the war to America.[9] Yet there seems to have been no serious thought of thus limiting hostilities, and they soon extended from Hudson Bay to the West Indies.

Preparations for contesting by arms the possession of Hudson Bay began promptly. A few days after Great Britain declared war, the Hudson's Bay Company memorialized the king for commissions and letters of marque against the French; and for commissioning the company's governor to form offensive and defensive alliances with the Indians.[10] Frontenac, on the other hand, who was sent back to Canada as governor in 1689, was instructed to aid the Canadian Northern Company in expelling the English from any posts left to them in the Hudson Bay region.[11] Of the five forts at Hudson Bay, the English, at the outbreak of the war, held only Nelson and New Severn. Three years earlier, when the treaty of neutrality was being negotiated, the French had deprived them of Forts Monsonis (or Moose, or Original), Saint Charles (or Rupert), and Albany (or St. Anne).[12] La Ferté, Iberville's lieutenant, captured New Severn in the spring of 1689.[13] In 1693, the English regained Albany, Rupert, and Monsonis.[14] Nelson, the most coveted post, was taken by the French under Iberville in 1694, recaptured by the English in the autumn of 1696, and regained by Iberville, as the result of a terrific sea-fight, on September 10, 1697.[15] At nearly the same time, the treaty of Ryswyk was signed.

The encroachments of France in Newfoundland were another subject of complaint in Great Britain's declaration of war. Apparently with the consent of Charles II., the French had established a settlement in the easily defended harbor of Placentia, and had taken possession of the southern and

[6] E. Lavisse, *Histoire de France* (1900-1910), tom. VII., pt. II., pp. 26, 31. It was stated in September, 1689, that French privateers had recently taken sixty-two ships, chiefly from America and the West Indies. *Cal. St. Pap. Col.*, 1689-1692, no. 467, p. 153.

[7] Doc. **79.**

[8] Doc. **80.**

[9] In the answer made in England to the manifesto addressed by James II. to the Protestant allied princes, and printed by authority, the principle was laid down that the obligation to observe treaties passes to the possessor of the crown. *Actes et Mémoires des Négociations de la Paix de Ryswick*, I. 503. *Cf.* also Blathwayt to Prior, June 1, 1697, in *Bath MSS.*, III. 122.

[10] *Cal. St. Pap. Col.*, 1689-1692, nos. 116-119, p. 37.

[11] J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), IX. 428.

[12] L. A. Prud'homme, "La Baie d'Hudson", in *Proceedings and Transactions* of the Royal Soc. of Canada, third ser., vol. III. (1910), sect. I., pp. 9-12.

[13] *Ibid.*, p. 13. According to Charlevoix and others, there were found at the fort orders from the company for the proclamation of William III., Shea's ed., IV. 37. B. Willson, *The Great Company* (1899), pp. 132-145, says that Iberville took New Severn in October, 1689, but according to Charlevoix it was in October, 1688, and Iberville left the Bay in September, 1689. Prud'homme's statement harmonizes best with other facts.

[14] L. A. Prud'homme, *op. cit.*, p. 14.

[15] *Ibid.*, pp. 14-18. B. Willson, *op. cit.*, pp. 154-160, says that the fort was surrendered on Sept. 12.

western coasts.[16] The English had fishing stations along the eastern coast, and their principal fortified settlement at St. John's. During the war, French privateers raided the English villages, but the English failed in an attempt to destroy Placentia. In the early summer of 1696, St. John's repulsed a large French fleet under Nesmond, but later in the year was taken by a combined land and sea attack commanded by Iberville and Brouillon. At the same time, all but two of the other English settlements were destroyed.[17]

French Acadia, from eastern Nova Scotia to Pentagoet, and New England, from Pemaquid to the Connecticut River, suffered much from the war. In the summer preceding the declaration of war in Europe, the eastern Indians, or Abenakis, incited by the French, raised the hatchet against the border settlements of New England and even captured the fort at Pemaquid.[18] Early in 1690, the French openly joined the Indians in similar attacks. French privateers spoiled New England's trade, by seizing many ships, and raiding the coasts, and the shores of Long Island Sound.[19] Of the offensive operations undertaken by the New Englanders, the conquest of Port Royal and the rest of Acadia in 1690 was an exceptional success. But like many of the conquests made by either side in this war, it was not securely held, and soon slipped back under French control.[20] Phips's naval expedition against Quebec in 1690 was a costly failure;[21] and in 1696 the French and Indians under Iberville took the fort at Pemaquid, which had been strongly rebuilt by Massachusetts.[22] Even after news of the peace signed at Ryswyk reached Canada, the Indian raids did not cease. A treaty of peace was not made with the Abenakis until January, 1699.[23]

The main objective of the French government in Canada was the conquest of the province of New York. Frontenac, at the time of his return to Canada, was instructed to organize a land and sea attack upon the town of New York,[24] but reached Canada too late to make the attempt in 1689. In the following year he despatched the expedition that devastated Schenectady.[25] The New Yorkers, who had been alarmed by rumors of the approaching war,[26] hoped in conjunction with the Iroquois and New Englanders to effect the subjugation of Canada,[27] whose population was less than three-fifths of their

[16] D. W. Prowse argues that there is "little doubt that the occupation of Placentia by the French in 1662 was made with the connivance and consent of the English Kings" and "that King Charles had really surrendered the best part of the Island to the French, leaving only from Cape Race to Bonavista for the English". *History of Newfoundland* (1895), p. 199.

[17] Prowse, *op. cit.*, pp. 211-222, and *Cal. St. Pap. Col.*, 1696-1697, nos. 392, 393, 422, 586.

[18] F. Parkman, *Count Frontenac and New France* (1877), ch. XVI.

[19] *Cal. St. Pap. Col.*, 1689-1692, nos. 994, pp. 299, 300, no. 1015, p. 304.

[20] F. Parkman, *op. cit.*, pp. 236-239; James Hannay, *History of Acadia from its First Discovery to its Surrender to England by the Treaty of Paris* (1879), pp. 231-233, and ch. XIV.

[21] F. Parkman, *op. cit.*, ch. XIII.

[22] *Id.*, pp. 357, 378-382; Hannay, *op. cit.*, pp. 250-254.

[23] Hannay, *op. cit.*, p. 257; T. Hutchinson, *History of Massachusetts Bay*, II. 109, 110.

[24] Frontenac's instructions are given in J. R. Brodhead, *Docs. Col. Hist. N. Y.*, IX. 422-428.

[25] Parkman, *op. cit.*, pp. 211-216.

[26] Brodhead, *op. cit.*, III. 591, 610.

[27] *Ibid.*, pp. 694, 695.

own.[28] Of the war parties sent from Albany against Montreal in 1690 and 1691, however, only the latter did any considerable harm to the enemy;[29] and subsequently the New Yorkers accomplished little. Feeling that too much of the fighting was left to them, the Iroquois from 1693 were disposed to make peace with the French. Their negotiations, broken off in 1696, were renewed after Frontenac's attack on the Onondagas, but terminated in 1698, upon the arrival at Montreal of news of the peace made at Ryswyk.[30]

In the West Indies, success depended on the command of the sea.[31] At the beginning of the war the French held this, and they had another advantage in the presence of disaffected Papists and Irish in the English islands. The French gained possession of the English part of St. Christopher in the summer of 1689, but a year later the English were able to expel the French altogether from the island, and they continued to hold all of it until the end of the war. In 1690, also, the English captured St. Eustatius, taken by he French from the Dutch in 1689, as well as the French islands of St. Martin and St. Bartholomew. The French Leeward Islands suffered from raids by the English, and Jamaica from French invasion. In Hispaniola, the French attacked the Spanish settlements, and the Spaniards attacked the French. A concerted attack made in 1695 by an English squadron and Spanish forces upon the French in the island failed. In 1697, a great French armament under Pointis, supported by French troops and freebooters from Hispaniola, sacked Cartagena, obtaining much booty.[32]

By 1693, Louis XIV. appeared more sincerely desirous of peace than before.[33] Having failed to draw a proposal of terms from the Dutch government, he despatched D'Avaux, long resident at the Hague, as ambassador extraordinary to Stockholm, to persuade Sweden to continue her neutrality, and mediate in the re-establishment of peace.[34] He sent D'Avaux his conditions of peace with the Emperor and Empire, to be communicated to them by Sweden;[35] and a few months later (October, 1693) he made known through the same channels his conditions of peace with Spain, the States General, Great Britain, and some of the smaller powers.[36] By means of these proposals he sought to divide the allies, whose interests were diverse. For while the coalition as a whole aimed at restoring the European balance of power by compelling Louis XIV. to surrender his numerous conquests and "reunions", made chiefly at the expense of the Empire and Spain, yet the restoration of

[28] The population of the province of New York in 1689 has been estimated at 20,000; that of Canada was about 11,000. E. Channing, *Hist. of U. S.*, I. 222 n.

[29] Parkman, *op. cit.*, pp. 289-293.

[30] *Ibid.*, pp. 397 ff., and ch. XIX.

[31] Materials for the history of the war in the West Indies are in *Cal. St. Pap. Col.*, 1689-1692, 1693-1696, and 1696-1697, *passim*.

[32] C. Fernández Duro, *Armada Española* (1895-), vol. V., ch. XVIII.; C. H. Haring, *Buccaneers in the West Indies* (1910), pp. 258-266.

[33] Van der Heim, *Het Archief van Heinsius*, deel III., pp. viii-xi.

[34] *Négociations de M. le Comte d'Avaux, pendant les Années 1693, 1697, 1698*, I. 1-9.

[35] *Ibid.*, pp. 257 ff.; Van der Heim, *op. cit.*, III. xii., 18; F. J. L. Krämer, *Archives de la Maison d'Orange-Nassau*, sér. III., tom. I., p. 327.

[36] *Négociations de M. le Comte d'Avaux*, I. 410 ff.

each specific place had a different degree of importance for the several powers. The Spaniards and Imperialists, moreover, had a peculiar interest in urging the acceptance of the treaty of the Pyrenees as a general basis for the peace, since this would tend to confirm the renunciation of the Spanish succession, made at the time of the peace by Louis XIV.'s Spanish bride.[37] The Dutch were particularly concerned in the establishing of a " barrier " in the Spanish Netherlands against further encroachments by France. The English had two matters chiefly at heart—Louis XIV.'s recognition of the Prince of Orange as king of England, and a favorable settlement of disputes in the colonies.

In stating his terms of peace with England, in October, 1693, Louis XIV., after expressing a hope for the solution of the difficulty arising from the deposition of James II., put forward no pretension, direct or indirect, against England, " à la réserve de ce qu'on a pris sur moy dans les Isles (pendant cette guerre) et terres fermes de l'Amérique ". He demanded that these American conquests be restored.[38]

In 1693, although the English and Dutch needed peace, and Amsterdam was intriguing with the enemy, William III. would not accept the French offers.[39]

Important negotiations between the French envoys, Harlay de Bonneuil and Callières, brother of the then governor of Montreal, and the Dutch agent, Everard van Weede, lord of Dykvelt, took place at Maastricht in 1694, and were resumed at Utrecht in the following year. The instructions of Callières for the Utrecht conferences included a project of several articles, of which the fourth stipulated the re-establishment of commerce with England, on condition that she restore what she had taken in the colonies. His terms showed that Louis XIV. wanted peace. In a secret article he promised to recognize the King of England.[40]

Probably peace could have been made in 1695, had it not been for the Emperor's jealousy of William III. and the Dutch Republic. The Emperor preferred to treat through Stockholm, where negotiations had been carried on in 1694 and 1695, but little was accomplished. No longer hoping to draw the Dutch into a separate peace, Louis XIV. also turned again to Stockholm; and the Swedish court, fearful of a union between Denmark and the allies, and impressed by William III.'s conquest of Namur, showed itself more favorable to the Coalition.[41]

The failure of the Jacobite plot to assassinate William III. and invade England from France, in 1696, tended to strengthen William's influence and hasten peace. The defection of Savoy to France, in June of this year, and the financial difficulties of England and the United Netherlands appeared to

[37] See above, p. 143.
[38] *Négociations de M. le Comte d'Avaux,* I. 413.
[39] Van der Heim, *op. cit.,* III. xiii-xv.
[40] Vast, *op. cit.,* II. 155.
[41] Van der Heim, *op. cit.,* III. xl-xlvi.

make a speedy peace essential. The impoverishment of France and the emptiness of her king's treasury led to the same result.[42]

Heinsius, pensionary of Holland and William's confidential helper in the conduct of foreign affairs, continued to distrust Sweden. Through Dykvelt and Boreel, burgomaster of Amsterdam, he treated with Callières, throughout the year 1696, for a settlement of the main points preliminary to a general congress, at which Sweden would act as mediator.[43] By the end of the year, a basis for peace had been arrived at. On December 21, William III. named the Earl of Pembroke, Viscount Villiers, and Sir Joseph Williamson as his plenipotentiaries at the general congress.[44] A manor-house of William's, at Ryswyk, near Delft, was chosen as the place of meeting. An important advance was made when, on February 10, 1697, Callières dictated the preliminary articles to the Swedish plenipotentiary Lillieroth, and in the presence of the latter and of Dykvelt and Boreel declared that Louis XIV. would recognize the Prince of Orange as king of Great Britain, at the time of the signing of the peace.[45]

The adjustment of questions relating to the reunions was attended by so many difficulties that it was the ninth of May when the first meeting at Ryswyk convened. Thereafter the Emperor, supported for a time by Spain, continued to obstruct the negotiations. The death of Charles II. of Spain seemed imminent, and the Emperor feared to meet the ensuing situation without the support of the coalition, which peace would dissolve.[46] Neither the secret conferences between Dykvelt and Callières, nor the public negotiations at Ryswyk, brought agreement. In June, Dykvelt was openly authorized to mediate at Delft between the French and English, and in July the Earl of Portland and Marshal Boufflers secretly adjusted the point of main importance to William III., the disavowal of James II. and the Jacobites by Louis XIV.[47] The chief remaining differences related to America—in particular to Hudson Bay.

[42] Hist. MSS. Commission, *MSS. of the Duke of Buccleuch and Queensberry,* vol. II., pt. I., pp. 348, 352, 378, 398, etc.; *MSS. of the Marquis of Bath,* III. 82, 90; *Lexington Papers,* pp. 166, 167; *Correspondence of Duke of Shrewsbury,* pp. 320 ff. The treaties with the Duke of Savoy are in Vast, *op. cit.,* II. 171-189. On the financial state of England, see also Macaulay, *History of England,* ch. XXII.

[43] For the preliminary negotiations, see Krämer, *Archives de la Maison d'Orange-Nassau,* I. 412-527; *MSS. of the Marquis of Bath,* III. 80-101; *Correspondence of Duke of Shrewsbury,* pp. 320 ff.; *MSS. of the Duke of Buccleuch and Queensberry,* vol. II., pts. I. and III., pp. 341-444, *passim.*

[44] *MSS. of the Marquis of Bath,* III. 98.

[45] By the preliminary articles Louis XIV. agreed to accept the treaties of Westphalia and Nymwegen as the "basis and foundation" of the general peace; to restore Strasbourg to the Empire; Luxembourg, Mons, Charleroy, and places in Catalonia taken by France since the peace of Nymwegen to Spain; Dinant to the Bishop of Liége; all the reunions made since the treaty of Nymwegen; and Lorraine, according to the conditions of that treaty. *Actes et Mémoires des Négociations de la Paix de Ryswick,* I. 263; *MSS. of the Duke of Buccleuch and Queensberry,* I. 444.

[46] *MSS. of the Duke of Buccleuch and Queensberry,* I. 447, 451, 471, 472, etc.; *MSS. of the Marquis of Bath,* III. 103, 106-108, 111, 113, etc., 511, 513, 514, etc.

[47] For these conferences see P. Grimblot, *Letters of William III. and Louis XIV.,* pp. 1-94.

Months before the opening of the congress at Ryswyk, the English Board of Trade was considering American affairs in connection with the coming peace treaty,[48] and with an Anglo-French commercial treaty of which they drew up a *projet*.[49] The commercial treaty was postponed, the English ambassadors preferring to let it be proposed by the French.[50] The English and French ambassadors agreed that the settlement of American affairs in the peace treaty should be on the same basis as in the treaty of Breda—restoration to their status at the beginning of the war.[51]

Of the English *projet* for a peace treaty drawn up by Matthew Prior, secretary of the English embassy, and given to the Swedish mediator at Ryswyk on July 18, the fourth and seventh articles bore on American affairs.[52] By the fourth article both sides promised satisfaction for all injuries done by subjects of one king to subjects of the other, before the declaration of the present war. The reference, the English ambassadors explained, was especially to damages committed by the French against the English at Hudson Bay from 1683 to 1688, and to French interference with English trade in the Gambia and other African rivers in 1687 and 1688.[53]

The seventh article contained the general stipulation that France should restore to Great Britain all the regions, islands, fortresses, and colonies, wherever situated, possessed by the English before the declaration of the war, and that Great Britain should make like restoration to France. But to this mutual restitution there was to be one exception, namely, of " such places as belong to His Majesty of Great Britain, which the French seized during the peace preceding this present war ". These places were to remain to Great Britain. The clause stating this exception was inserted to meet the objection made by William Blathwayt, of the Board of Trade, that, without such exception, the articles would prejudice the Hudson's Bay Company by obliging it to restore to France the three forts taken by the French in 1686.[54]

Remarking on the English *projet,* on August 9, 1697, the French ambassadors suggested with regard to satisfaction for damages prior to the war, provided for in the fourth article, that if this referred to private individuals the parties should be left to seek redress by the ordinary ways of justice. They objected also to the excepting clause of the seventh article, and, with respect to the Hudson's Bay Company, further complained that the English had violated the articles of capitulation for the surrender of Fort Nelson (or Bourbon), in 1696. They declared that this fort should be restored, and the imprisoned commandant released and compensated, and that after the conclusion of peace the right of both parties to the fort might be examined by

[48] *Cal. St. Pap. Col.,* 1696-1697, nos. 585, 603.
[49] *MSS. of the Marquis of Bath,* III. 126; *Cal. St. Pap. Col.,* 1696-1697, nos. 565 (p. 297), 656 (p. 341).
[50] *MSS. of the Marquis of Bath,* III. 127, 153, 527.
[51] For the treaty of Breda, see above, Doc. **58**.
[52] The text of the *projet* is in *Actes et Mémoires des Négociations de la Paix de Ryswick,* II. 177 ff.
[53] *MSS. of the Marquis of Bath,* III. 523, 524.
[54] *Ibid.,* pp. 129-132, 135, 137, 519.

arbitrators or commissioners. With respect to the fifth article, concerning mutual freedom of commerce, the French asked that this reciprocity be extended to the colonies.[55] They desired a treaty of neutrality in America, like that of 1686, but would consent to postpone its consideration until after the peace.[56]

In response, the English ambassadors declared that the fourth article referred only to private persons, and that, as the treaty ought to state, their rights should be determined by "les voyes ordinaires de la justice". As to the fifth article, the English replied that it was expected (*On attend*) that commerce should be universally free through all the kingdoms and domains of the two kings in whatever parts of the world, "et les droits et impôts sur les marchandises estant déjà réglés par les loix de chaque nation, nous consentons d'en remettre la consideration à un traité de commerce qui sera fait selon la proposition faite par les François". Since the French would not admit the excepting clause of the seventh article, King William ordered his ambassadors "to propose and insist on a clause, leaving all things relating to Hudson's Bay in the condition they shall be in at the signing of the treaty, and referring all those matters in dispute to be determined by the Commissioners that shall be appointed for the treaty of commerce".[57] Although William III. did not think "a neutrality in America convenient for" the English, yet, "as the referring the consideration of such a treaty to commissioners may induce the French to give their concurrence in other things that may be desired by us", the king agreed to the French proposal.[58]

William, in the latter part of August, was most anxious for peace. On the thirtieth of that month the period allowed by the French for the acceptance of their peace terms would expire. Later, their terms were likely to be raised, especially since news had come to Ryswyk of the capture of Barcelona by the Duke of Vendôme, and the sacking of Cartagena by Pointis, and Spain demanded peace at any price.[59] William was determined, he said, that the dispute over Hudson Bay should not prevent the conclusion of peace.[60] He was ready to make concessions in the matter—to agree that possession of those forts at Hudson Bay, excepted in the seventh article of the *projet,* should be restored to the French. The French on the other hand consented that the *right* to these forts should be adjusted by commissioners.[61]

Despite William's efforts, the time-limit expired without a peace. The French then made new offers for a general peace, which were valid until the twentieth of September. Negotiations with England proceeded as before.

[55] *Ibid.,* pp. 545, 546; P. R. O., St. Pap. For., Archives of British Legations, no. 257, "Ryswick, Sir J. Williamson's journal", Aug. 10.
[56] *MSS. of the Marquis of Bath,* III. 146, 546.
[57] *Ibid.,* pp. 546, 547.
[58] *Ibid.,* pp. 148, 547, 548. *Cf.* p. 152.
[59] F. J. L. Krämer, *Archives de la Maison d'Orange-Nassau,* sér. III., tom. I., p. 585 (trans. in P. Grimblot, *Letters of William III. and Louis XIV.,* pp. 99, 100); Sirtema de Grovestins, *Guillaume III. et Louis XIV.,* VI. 618, 619.
[60] P. Grimblot, *op. cit.,* p. 100.
[61] Krämer, *op. cit.,* pp. 579, 580, 584, 593; *MSS. of the Marquis of Bath,* III. 155-158; *Lexington Papers,* pp. 301, 302.

On September 16, the remaining differences, chiefly those of Hudson Bay and of the payment of the jointure of James II.'s queen, were adjusted, and Prior drew up an article, the eighth of the treaty, providing for the reference to commissioners of the disputed title to Hudson Bay.[62]

On September 20, the English, Spanish, and Dutch embassies met with the French at Ryswyk. Near the end of that day the French signed treaties of peace and of commerce with the Dutch; next, a treaty of peace with Spain, and, about three o'clock on the morning of September 21, the treaty of peace with England.[63] Peace with the Emperor was not concluded until October 30.

When the terms of peace became known, Englishmen were dissatisfied with the article about Hudson Bay.[64]

Some delay in the exchange of ratifications was caused by the fact that the ratifications signed by William III. at Loo, in Guelders, on September 25, and sealed with the signet, had to be replaced by an instrument from England, sealed with the great seal. The English ratification under the signet and the French ratification were both left in the hands of the mediator on October 11, and ratification was reckoned as valid from that day.[65] The English ratification under the great seal, and the French ratification, were mutually exchanged on October 17 (N. S.),[66] and peace was published in London twelve days later. On October 27/November 6 the Board of Trade forwarded the proclamation of peace to the governors of the English colonies,[67] and on November 30/December 10 sent them copies of the treaty of peace.[68] The French government was very dilatory in notifying Canada of the peace. Callières, at Montreal, first received news of it and a copy of the treaty from Governor Fletcher of New York.[69]

Bibliography.

Text: MS. The original manuscript of the ratification by the King of France is in P. R. O., St. Pap. For., Treaties, no. 66. The original manuscript of the ratification by the King of Great Britain, in Latin, with the articles inserted, and dated Sept. 25, 1697, is in the bureau of the Ministry of Foreign Affairs in Paris, as is another ratification by the same, dated Sept. 21, and not containing the articles. The original treaty, in French, is in the same bureau.

Text: Printed. H. Vast, *Les Grands Traités du Règne de Louis XIV.* (1893-1899), II. 202-213, in *Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire; Actes et Mémoires des Négociations de la Paix de Ryswick* (the Hague, 1699), III. 175-192; J. Dumont, *Corps Diplomatique* (1726-1731), tom. VII., pt. II., pp. 399-402; *Mémoires*

[62] *MSS. of the Marquis of Bath*, III. 532, 533.
[63] *Ibid.*, pp. 166, 534; *Lexington Papers*, p. 305.
[64] *MSS. of the Duke of Buccleuch and Queensberry*, II. 561; W. Coxe, *Correspondence of the Duke of Shrewsbury*, pp. 375, 377.
[65] *MSS. of the Marquis of Bath*, III. 538.
[66] *Ibid.*, p. 541.
[67] *Cal. St. Pap. Col.*, 1696-1697, no. 1422.
[68] *Cal. St. Pap. Col.*, 1697-1698, no. 78.
[69] *Ibid.*, no. 394, and *cf.* no. 504 I.

des Commissaires du Roi (1755-1757), II. 92-108; [J. Blanchet], *Collection de Manuscrits relatifs à la Nouvelle-France* (édités sous les auspices de la Législature de Québec, 1883-1885), II. 227-238.

Translations: English. *Manuscripts of the House of Lords, 1699-1702,* vol. IV., n. s. (1908), pp. 233-238; *Acts and Negotiations together with the Particular Articles at Large of the General Peace concluded at Ryswick by the Most Illustrious Confederates with the French King, translated from the Original published at the Hague* (London, 1698), pp. 105-127; *A General Collection of Treatys* (1732), I. 302-308; [J. Almon], *A Collection of All the Treaties of Peace, Alliance, and Commerce, between Great Britain and other Powers from the Revolution in 1688 to the Present Time (1772)*, I. 13-19; *A Collection of All the Treaties of Peace, Alliance, and Commerce, between Great Britain and other Powers, 1648-1783* (1785), I. 299-305; G. Chalmers, *A Collection of Treaties between Great Britain and other Powers* (1790), I. 332-340.

References: Contemporary and early writings. Hist. MSS. Comm., *Cal. MSS. of the Marquis of Bath,* III. (1908) 81-181, 508-548; *id., Report on the MSS. of the Duke of Buccleuch and Queensberry,* vol. II. (1903), pts. I., II. (Shrewsbury Papers), pp. 341-607, *passim*; W. Coxe, *Private and Original Correspondence of Charles Talbot, Duke of Shrewsbury, with King William, the Leaders of the Whig Party, and other Distinguished Statesmen* (1821), pp. 316-382, *passim*; G. P. R. James, *Letters Illustrative of the Reign of William III. from 1696 to 1708, addressed to the Duke of Shrewsbury by James Vernon* (1848), I., *passim*; H. Manners Sutton, *The Lexington Papers, from the Correspondence of Robert Sutton, Lord Lexington* (1851), pp. 204-312, *passim*; F. J. L. Krämer, *Archives ou Correspondance Inédite de la Maison d'Orange-Nassau,* sér. III., tom. I. (1907), pp. 523-623; P. Grimblot, *Letters of William III. and Louis XIV. and of their Ministers, 1697-1700* (1848), pp. 1-137; L. von Ranke, *England* (1875), vol. VI., app. (Extracts from William III.'s Correspondence), pp. 315-331; H. J. van der Heim, *Het Archief van den Raadpensionaris Antonie Heinsius* (1867-1880), I. 226, 227, II. 141-162, *passim,* III. 221-248; Narcissus Luttrell, *Brief Historical Relation of State Affairs from September, 1678, to April, 1714* (1857), IV., *passim*; Bishop Burnet, *History of His Own Time* (1833), IV. 353-370; J. R. Brodhead, *Docs. Col. Hist. N. Y.* (1853-1883), IV. 305, 311, 317, 333, 338-345, 348-375, *passim,* 402 ff., 434 ff., 450, 465, 474-478, 486 ff., 564, 577, 578, etc., IX. 677-722, *passim,* 878; *Cal. St. Pap. Col.,* 1696-1697 (1904), nos. 585, 603, 1399, 1413, 1422; *ibid.,* 1697-1698 (1905), nos. 56, 77, 78, 82, 109, 124, 127, 132, 157, 397, 398, 449, 450, 454, 455, 472 (p. 223), 480, 487, 488, 504 i, 558, 622 viii, 914 i, 974; [J. Blanchet], *Collection de Manuscrits relatifs à la Nouvelle-France* (1883-1885), III. 289-335, *passim*; P. F. X. de Charlevoix, *History and General Description of New France* (ed. J. G. Shea, 1866-1872), V. 80 ff.

References: Later writings. L. von Ranke, *op. cit.,* vol. V., bk. XX., ch. II.; T. B. Macaulay, *England from the Accession of James II.,* ch. XXII.; Sir Richard Lodge, *England from the Restoration to the Death of William III.,* (1912), ch. XVII.; L. G. Wickham Legg, *Matthew Prior: a Study of his Public Career and Correspondence* (1921), ch. III.; O. Klopp, *Der Fall des Hauses Stuart* (1875-1888), bd. VII., buch XXI.; Baron Sirtema de Grovestins, *Guillaume III. et Louis XIV.: Histoire des Luttes et Rivalités Politiques entre les Puissances Maritimes et la France dans la Dernière Moitié du XVII^e Siècle* (1851-1854),

tom. VI., ch. XVII.; H. J. van der Heim, *op. cit.*, III. v-lxxx; H. Vast, *op. cit.*, II. 158-163; A. Legrelle, *La Diplomatie Française et la Succession d'Espagne* (1888-1892), tom. I., ch. II.; Raxis de Flassan, *Histoire de la Diplomatie Française* (1811), tom. IV., bk. IV., pp. 151-158; E. Lavisse, *Histoire de France* (1900-1910), tom. VIII., pt. II., pp. 43-47; G. Koch, *Die Friedensbestrebungen Wilhelms III. von England in den Jahren 1694-1697* (1903); H. Lorin, *Le Comte de Frontenac* (1895), pp. 466, 467, 477-480, 487; G. Chalmers, *Introduction to the History of the Revolt of the American Colonies* (1845), I. 276-279; G. H. Guttridge, *Colonial Policy of William III. in America and the West Indies* (1922), pp. 74, 82, 83; F. Parkman, *Count Frontenac and New France under Louis XIV.* (1877), pp. 422, 423, 452; F. X. Garneau, *Histoire du Canada,* I. (fifth ed., 1913) 418 ff.; T. Hutchinson, *History of Massachusetts* (1795-1828), II. 103-106, 109. Some references to works not noted above, and dealing chiefly with phases of the negotiations at Ryswyk unrelated to the subject of this volume, are given in M. Immich, *Geschichte des Europäischen Staatensystems von 1660 bis 1789* (1905), pp. 156, 157, in G. von Below and F. Meinecke's *Handbuch der Mittelalterlichen und Neueren Geschichte,* Abt. II.

TEXT.[70]

Louis par la grace de Dieu, roy de France et de Navarre, a tous ceux qui ces presentes Lettres verront, salut. Comme nostre amé et féal conseiller ordinaire en nostre conseil d'estat, Nicolas Auguste de Harlay, chevalier, sieur de Bonneuil, comte de Cely, nostre cher et bien amé Louis Verjus, chevalier, comte de Crecy, marquis de Treon, baron de Couray, sieur du Boulay, des deux Eglises, de Fort-Isle, et du Menillet, et nostre cher et bien amé François de Callieres, chevalier, sieur de la Rochechellay et de Gigny, nos ambassadeurs extraordinaires et plenipotentiaires, en vertu des plein pouvoirs que nous leur en avions donné, auroient conclu, arresté, et signé le vingtiesme jour de Septembre dernier a Ryswick, avec le sieur Thomas, comte de Pembrok et de Mongommery, baron d'Herbert et de Cardiff, garde du sceau privé d'Angleterre, conseiller ordinaire au conseil d'estat de nostre tres cher et tres amé frere le Roy de la Grande Bretagne, et l'un des justiciers d'Angleterre; le sieur Edouard, vicomte de Villiers et de Darfort, baron de Hoo, chevalier mareschal d'Angleterre, et l'un des justiciers d'Irlande; le sieur Robert de Lexington, baron d'Evoram,[71] gentilhomme de la chambre de sa Majesté Britannique; et le sieur Joseph Williamson, chevalier, conseiller ordinaire de sa Majesté Britannique en son conseil d'estat, et garde des archives de l'estat, ambassadeurs extraordinaires et plenipotentiaires de nostre dit frere le Roy de la Grande Bretagne, pareillement munis de ses pleinpouvoirs, le traitté de paix dont la teneur s'ensuit:

A tous ceux en general, et a chacun en particulier, qui sont interessez, ou qui le pourront estre en quelque façon que ce soit, On fait a sçavoir, que la guerre s' estant malheureusement allumeé entre le Serenissime et Tres Puissant prince, Louis quatorziesme, par la grace de Dieu roy Tres Chrestien de France et de Navarre d'une part, et le Serenissime et Tres-Puissant prince Guillaume Troisiesme, aussy par la grace de Dieu roy de la Grande Bretagne d'autre, les affaires ont esté enfin reduites a ce point, par la permission et la bonté Divine,

[70] The text is taken from the ratification by France preserved in the London P. R. O., St. Pap. For., Treaties, no. 66.

[71] Robert Sutton, baron Lexington of Averham.

que l'on a conçeu de part et d'autre la penseé de faire la paix; Et leursdites Majestez Très Chrestienne et Britannique animée[s] d'un mesme zéle, pour arrester au plustost l'efusion du sang Chrestien, et pour le prompt restablissement de la tranquilité publique, ont unanimement consenty en premier lieu a reconnoistre pour cet effect la mediation du Serenissime et Tres Puissant prince de glorieuse memoire, Charles Unziesme, par la grace de Dieu roy de Suede, des Gots et des Vandales, mais une mort precipiteé ayant traversé l'esperance que toute l'Europe avoit justement conceue del'heureux effect de ses conseils et de ses bons offices, leursdites Majestez ont estimé ne pouvoir mieux faire, que de continuer de reconnoistre en la mesme qualite, le Serenissime et Tres Puissant prince Charles Douziesme, roy de Suede, son fils et son successeur, qui de sa part a continué aussy les mesmes soins pour l'avancement de la paix entre leursdites Majestez Tres Chrestienne et Britanique, dans les conferences qui se sont tenues pour cet effect au chasteau de Ryswick, dans la province d'Hollande, entre les ambassadeurs extraordinaires et plenipotentiares nommez de part et d'autre; scavoir, de la part de sa Majesté Tres Chrestienne, le sieur Nicolas Auguste de Harlay, chevalier, seigneur de Bonneuil, comte de Cely, conseiller ordinaire de sadite Majesté en son conseil d'estat, le sieur Louis Verjus, chevalier, comte de Crêcy, conseiller ordinaire du roy en son conseil d'estat, marquis de Treon, baron de Couray, seigneur du Boulay, des deux Eglises, de Fort Isle, du Menillet et autres lieux, et le sieur François de Callieres, chevalier, seigneur de Callieres, la Rochechellay et de Gigny; et de la part de sa Majesté Britanique, le sieur Thomas, comte de Pembrok et de Montgommerry, baron d'Herbert et de Cardiff, garde du sceau privé d'Angleterre, conseiller ordinaire du roy en son conseil d'estat, et l'un des justiciers d'Angleterre, le sieur Edouard, vicomte de Villers et de Darfort, baron de Hoo, chevalier mareschal d'Angleterre, et l'un des justiciers d'Irlande, le sieur Robert de Lexington, baron d'Evoram, gentilhomme de la chambre du roy, et le sieur Joseph Williamson, chevalier, conseiller ordinaire de sadite Majesté en son conseil d'estat et garde des archives de l'estat, lesquels apres avoir imploré l'assistance Divine et s'estre communiqué respectivement leurs pleinspouvoirs, dont les copies seront inserées de mot a mot a la fin du present traitté, et en avoir deuement fait l'eschange par l'intervention et l'entremise du sieur Nicolas, baron de Lillieroot, ambassadeur extraordinaire et plénipotentiaire de sa Majesté, le Roy de Suede, qui s'est acquitté de sa fonction de mediateur avec toute la prudence, toute la capacité et toute l'equitté necessaire, ils seroient convenus a la gloire du saint nom de Dieu et pour le bien de la Chrestienté, des conditions dont la teneur s'ensuit:

1. Il y aura une paix universelle et perpetuelle, une vraye et sincere amitié entre le serenissime et tres puissant prince Louis Quatorziesme, roy Très Chrestien et le Serenissime et Tres Puissant prince Guillaume Troisiesme, roy de la Grande Bretagne, leurs heritiers et successeurs, leurs royaumes, estats et sujets, et cette paix sera inviolablement observée entr'eux, si religieusement et sincèrement, qu'ils feront mutuellement tout ce qui pourra contribuer au bien, a l'honneur, et a l'avantage l'un de l'autre, vivans en tout comme bons voisins et avec une telle confiance et si reciproque que cette amitié soit de jour en jour fidelement cultiveé, affermie, et augmenteé.

2. Touttes inimitiez, hostilitez, guerres, et discordes entre ledit seigneur Roy Tres Chrestien, et le Roy de la Grande Bretagne, et pareillement entre leurs sujets, cesseront, et demeureront éteintes et abolies en sorte qu'ils eviteront soigneusement a l'avenir de se faire de part ni d'autre aucun tort, injure, ou prejudice, et qu'ils s'abstiendront de s'attaquer, piller, troubler, ou inquieter

en quelque maniere que ce soit, par terre, par mer, ou autres eaues dans tous les endroits du monde, et particulièrement dans toute l'estendüe des royaumes, terres et seigneuries de l'obeïssance desdits seigneurs roys sans aucune exception.

3. Tous les torts, dommages, injures, et offenses que lesdits seigneurs roys et leurs sujets auront soufferts ou receus les uns des autres pendant cette guerre seront absolument oubliez, et leurs Majestez et leurs sujets, pour quelque cause et occasion que ce puisse estre, ne se feront desormais ny ne commanderont ou ne souffriront qu'il soit reciproquement fait de part ny d'autre aucun acte d'hostilité ou d'inimitié, trouble, ou prejudice de quelque nature et maniere que ce puisse estre, par autruy ou par soy mesme, en public ou en secret, directement ou indirectement, par voye de fait, ou sous pretexte de justice.

4. Et comme l'intention du Roy Tres Chrestien a toujours esté de rendre la paix ferme et solide, sa Majesté s'engage et promet pour elle et pour ses successeurs roys de France de ne troubler ny inquieter en quelque façon que ce soit le Roy de la Grande Bretagne dans la possession de ses royaumes, pays, estats, terres, ou gouvernemens dont sadite Majesté Britanique jouit presentement, donnant pour cet effect sa parolle royalle de n'assister directement ou indirectement aucun des ennemis dudit Roy de la Grande Bretagne, et ne favoriser en quelque maniere que ce soit les cabales, menées secrettes, ou rebellions qui pouroient survenir en Angleterre et par consequent de n'ayder, sans aucune exception ny reserve, d'armes, de munitions, vivres, vaisseaux, argent, ou d'autres choses par mer ou par terre, personne, qui que ce puisse estre, qui pretendroit troubler ledit Roy de la Grande Bretagne dans la paisible possession desdits royaumes, pays, estats, terres, ou gouvernemens, sous quelque pretexte que ce soit; comm'aussy le Roy de la Grande Bretagne promet et s'engage de son costé mesme inviolablement, pour soy et ses successeurs roys de la Grande Bretagne, a l'égard du Roy Tres Chrestien, ses royaumes, pays, estatz, et terres de son obeissance, reciproquement, sans aucune exception ny reserve.

5. La navigation et le commerce seront libres entre les sujets desdits seigneurs roys, de mesme qu'ils l'ont toujours esté en temps de paix, et avant la declaration de la derniere guerre, en sorte que lesdits sujets puissent librement et reciproquement aller et venir avec leurs marchandises dans les royaumes, provinces, villes de commerce, ports et rivieres desdits seigneurs roys, y demeurer et negocier, sans estre troublez ny inquietez et y jouir et user de toutes les libertez, immunitez, et privileges qui sont establis par les traittez solemnels, ou accordez par les anciennes coustumes des lieux.

6. Les voyes de la justice ordinaire seront ouvertes et le cours en sera libre reciproquement dans tous les royaumes, terres, et seigneuries del'obeissance desdits seigneurs roys et leurs sujets de part et d'autre, qui pouront faire valoir leurs droits, actions, et pretentions, suivant les loix et les statuts de chaque pays, et y obtenir les uns contre les autres, sans distinction, toute la satisfaction qui leur pourra legitimement appartenir.

7. Ledit seigneur Roy Tres Chrestien fera remettre au seigneur Roy de la Grande Bretagne tous les pays, isles, forteresses, et colonies, en quelques lieux du monde quelles soient scituées, que les Anglois possedoient avant que la presente guerre fust declaree, et pareillement, ledit seigneur Roy de la Grande Bretagne restituera audit seigneur Roy Tres Chrestien tous les pays, isles, forteresses, et colonies, en quelque partie du monde quelles soient scituées, que les François possedoient avant la declaration de la presente guerre, et cette restitution se fera de part et d'autre dans l'espace de six mois, ou plustost

mesme s'il est possible, et pour cet effect, aussitost apres l'eschange des ratiffications du present traitté, lesdits seigneurs roys se donneront reciproquement ou feront donner et delivrer aux commissaires qu'ils deputeront de part et d'autre, pour les recevoir en leur nom, tous actes de cession, ordres, ou mandemens necessaires et en si bonne et deue forme, que ladite restitution soit effectivement et entierement executée.

8. On est convenu qu'il sera nommé de part et d'autre des commissaires pour l'examen et jugement des droits et pretentions reciproques que chacun desdits seigneurs roys peut avoir, sur les places et lieux de la Baye d'Hudson, que les François ont pris pendant la derniere paix, et qui ont esté repris par les Anglois depuis la presente guerre et doivent estre remis au pouvoir de sa Majesté Tres Chrestienne, en vertu del'article precedent, comm' aussy que la capitulation accordée par les Anglois au commandant du fort de Bourbon, lors de la derniere prise qu'ils en ont fait le cinquiesme Sept'bre mil six cens quatre vingts seize, sera executée selon sa forme et teneur, les effects dont y est fait mention incessament rendus et restituéz, le commandant, et autres pris dans ledit fort incessament remis en liberté, si fait na esté, et les contestations qui pouroient rester pour raison del'execution de ladite capitulation, ensemble del'estimation de ceux desdits effects qui ne se trouveront plus en nature, seront jugez et decidez par lesdits commissaires, qui auront pareillement pouvoir de traitter pour le reglement des limites et confins des pays cedez ou restituez de part et d'autre par ledit article precedent, et des échanges qui pourront sy trouver estre a faire pour la convenance commune, tant de sa Majesté Tres-Chrestienne, que de sa Majesté Britanique, et a cet effect lesdits commissaires seront nommez de part et d'autre aussitost apres la ratiffication du present traitté, sassembleront a Londres dans trois mois a compter du jour de ladite ratiffication, et seront tenus de terminer entierement toutte lesdites difficultez dans six mois du jour de leur premiere conference, apres quoy les points et articles dont ils seront demeurez d'accord, seront approuvez par ledit seigneur Roy Tres-Chrestien, et par ledit seigneur Roy de la Grande Bretagne, pour avoir ensuitte la mesme force et vigueur, et estre executez de la mesme maniere que s'ils estoient contenus et inserez de mot a mot dans le present traitté.

9. Touttes lettres, tant de represailles que de marque et contremarque qui ont esté delivrées jusqu'a present, pour quelque cause et occasion que ce puisse estre, demeureront et seront reputées nulles, inutiles, et sans effect, et a l'avenir aucun des deux seigneurs roys nen delivrera de semblables, contre les sujets del'autre, s'il napparoist auparavant d'un deny de justice manifeste, ce qui ne poura estre tenu pour constant, a moins que la requeste de celuy qui demandera les lettres de represailles n'ayt esté rapportée ou representée au ministre ou ambassadeur qui sera dans le pays de la part du roy, contre les sujets duquel on poursuivra lesdites lettres affin que dans l'espace de quatre mois, il puisse s'eclaircir du contraire ou faire en sorte que le deffendeur satisfasse incessament le demandeur, et s'il ne se trouve sur le lieu aucun ministre ou ambassadeur du roy, contre les sujets duquel on demandera lesdites lettres, l'on ne les expediera encores qu'apres quatre mois expirez, a compter du jour que la requeste de celuy qui demandera lesdites lettres aura esté presentée au roy, contre les sujets duquel on les demandera ou a son conseil privé.

10. Et pour prevenir et retrancher tous les sujets de plaintes, contestations ou procez, qui pouroient naistre a l'occasion de la restitution pretendue des vaisseaux, marchandises ou autres effects de mesme nature qui seroient pris et enlevez cy apres de part et d'autre, depuis le present traitté de paix, conclu

et signé, mais avant qu'il eut pû estre connu et publié sur les costes ou dans les pas les plus eloignez, on est convenu que tous navires, marchandises et autres effects semblables, qui depuis la signature du present traitté pouront estre pris et enlevez de part et d'autre, demeureront sans aucune obligation de recompense a ceux qui s'en seront saisis dans les Mers Britaniques et Septentrionales pendant l'espace de douze jours immediatement apres la signature et publication dudit traitté, et dans l'espace de six semaines pour toutes les prises faites depuis lesdits Mers Britaniques et Septentrionalles, jusqu'au Cap de St. Vincent, et depuis ou au dela de ce cap jusques a la Ligne, tant dans l'ocean que dans la Mer Mediterranée ou ailleurs dans lespace de dix semaines, et enfin dans l'espace de six mois au dela de la Ligne et dans tous les endroits du monde, sans aucune exception, ny autre ou plus particuliere distinction de temps et de lieu.

11. Que s'il arrivoit par hazard, inavertance, ou autre cause quelle quelle puisse estre, qu'aucun des sujets de l'un desdits seigneurs roys fist ou entreprist quelque chose par terre, par mer ou sur les rivieres en quelque lieu du monde que ce soit, qui pust contrevenir au present traitté, et empescher l'entiere execution ou de quelqu'un de ses articles en particulier, la paix et bonne correspondance, retablie entre lesdits seigneurs roys ne sera pas troublée ny censée interompue a cette occasion, et elle demeurera toujours au contraire en son entiere et premiere force et vigueur, mais seulement celuy desdits sujets qui l'aura troublée, repondra de son fait particulier et en sera puny conformement aux loix et suivant les regles establies par le droit des gens.

12. Et s' il arrive (ce qu'a Dieu ne plaise) que les mesintelligences et inimitiez éteintes par cette paix se renouvellassent entre le Roy Tres-Chrestien et le Roy de la Grande Bretagne et qu'ils en vinssent a une guerre ouverte, tous les vaisseaux, marchandises et tous les effects mobiliers des sujets de l'un des deux roys qui se trouveront engagez dans les ports et lieux de la domination de l'autre ny seront point confisquez ny en aucune façon endomagez, mais l'on donnera aux sujets desdits seigneurs roys le terme de six mois entiers a compter du jour de la rupture, pendant lesquels ils pouront, sans qu'il leur soit donné aucun trouble ny empeschement, enlever ou transporter, ou bon leur semblera, leurs biens de la nature cydessus exprimée, et tous leurs autres effects.

. . . . . .

16. Seront compris dans le present traitté de paix ceux qui avant l'échange des ratiffications qui en seront fournies, ou dans l'espace de six mois apres, seront nommez a cet effect de part et d'autre, et dont on conviendra reciproquement, et cependant comme le Serenissime et Tres-Puissant prince Louis Quatorziesme, roy Tres-Chrestien, et le Serenissime et Tres-Puissant prince Guillaume Troise, roy de la Grande Bretagne, reconnoissent avec gratitude les offices sinceres et le zele continuel du Serenissime et Tres-Puissant prince Charles Douziesme, roy de Suede, qui avec l'assistance Divine a si fort avancé le salutaire ouvrage du present traitté de paix, et la enfin conduit par sa mediation au plus heureux succez qu'on en pouvoit souhaitter de part et d'autre, leursdites Majestez, pour luy temoigner une pareille affection, ont arresté et resolu d'un commun consentement, que sa Sacrée et Royalle Majesté de Suede sera comprise dans le present traitté de paix en la meilleure forme qu'il se peut, pour tous ses royaumes, seigneuries, et provinces, et pour tous les droits qui luy peuvent appartenir.

17. Enfin les ratifications solemnelles du present traitté, expediées en bonne et deue forme, seront raportées et eschangées de part et d'autre dans le terme de trois semaines ou plustost s'il est possible, a compter du jour que ledit

traitté aura esté signé, au chasteau de Ryswick dans la province d'Hollande, et en foy de tous et chacuns les points cy dessus expliquez et pour leur donner dautant plus de force et une pleine et entière authorité, nous, ambassadeurs extraordinaires et plenipotentiaires, conjoinctement avec l'ambassadeur extraordinaire et mediateur, avons signé le présent traitté et y avons apposé le cachet de nos armes. Fait a Ryswick en Hollande le vingtiesme septembre mil six cens quatre vingts dix sept.

N. Lillieroot. De Harlay Bonneuil. Pembroke.
Verjus de Crecy. Villiers.
De Callieres. J. Williamson.

Nous ayant agreable le susd. traitté en tous et chacun les points et articles qui y sont contenus et declarez, avons iceux tant pour nous que pour nos heritiers, successeurs, royaumes, pays, terres, seigneuries, et sujets, accepté, approuvé, ratiffié, et confirmée, acceptons, approuvons, ratiffions, et confirmons, et le tout promettons en foy et parolle de roy, et sous l'obligation et hypotecque de tous et chacuns nos biens, presens et a venir, garder et observer inviolablement, sans jamais aller ny venir au contraire, directement ou indirectement, en quelque sorte et maniere que ce soit. En temoin de quoy nous avons signé ces presentes de nostre main et a icelles fait apposer nostre scel. Donné a Fontainebleau le troisiesme jour d'octobre, lan de grace mil six cens quatre vingts dixsept et de nostre regne le cinquante cinquiesme.

Louis.
Par le Roy.
Colbert.

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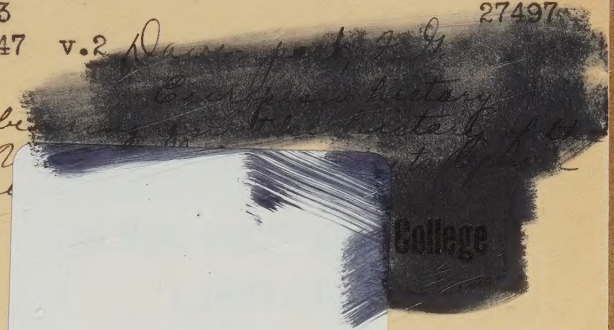

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